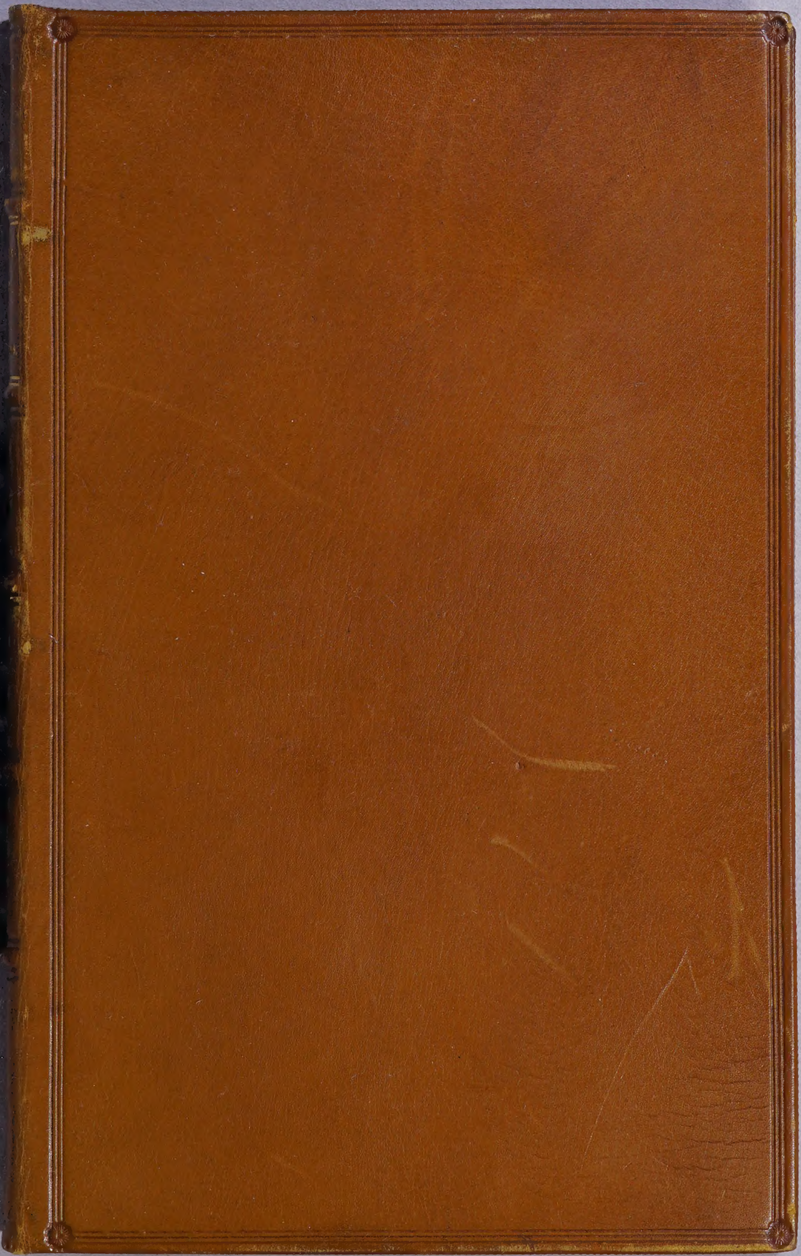

John Carter Brown.

955

A
Full and Exact
COLLECTION
OF

All the Conſiderable Addreſſes, Memorials, Petitions, Anſwers, Proclamations, Declarations, Letters and other Publick Papers, Relating to the Company of *SCOTLAND* Trading to *AFRICA* and the *INDIES*, ſince the paſſing of the Act of Parliament, by which the ſaid Company was eſtabliſhed in *June* 1695, till *November* 1700.

Together with a ſhort Preface (including the Act it ſelf) as alſo a Table of the whole Contents.

-------- *Forſan & hæc olim meminiſſe Juvabit.* Virg.
Grata ſuperveniet, quæ non ſnperabitur hora. Hor.

Printed in the Year 1700.

RPJCB

JOHN CARTER BROWN

The Preface.

THe *Endeavours of the Company of* Scotland *Trading to* Africa *and the* Indies *in eſtabliſhing a Colony and Settlement in ſo important a place as that* Iſthmus, *or narrow neck of Land (commonly called* Darien *) ſituated upon the hight of the World, between the ſpacious South and North Seas, and conſequently a fit* Center *for ſo extended and univerſal a Trade as ſeems to have been intended by the Act of Parliament eſtabliſhing that Company, having not only been the* Subject*-Matter of a great deal of Diſcourſe and* Speculation, *both Abroad and at Home, but alſo raiſed the Jealouſy of ſome, and the Envy of others of the moſt conſiderable* Courts *in Europe; That, together with the continued courſe of Oppoſition which the Company met with, in all its Deſigns and Undertakings, gave occaſion to the Writing of ſeveral very Ingenious Books concerning it. But theſe Books referring very often to ſeveral publick Papers contain'd in this Collection, it is humbly preſum'd that of all that has been written upon that Subject, nothing can be more acceptable to the Publick, nor of more real uſe, in giving a juſt View to indifferent Perſons, of poſitive Matters of Fact, without any artificial Embelliſhments or Reflections thereupon, than the following Collection, taken as near as poſſible from the very Original Papers themſelves.*

It's true there was a ſmall Collection of this kind Printed formerly, under the Title of Original Papers, &c. *But the haſte in which, it ſeems, that Collection was done, giving probably occaſion to its being very imperfect in many reſpects, and it containing ſcarcely the Third Part of what this does, it was thought fit for the General Satisfaction of all contending Parties and others, to make this Collection with more deliberation, and as compleat as poſſible, to the end that there may be no occaſion for any further Additions to it, unleſs future events afford matter for a Second Volume:*

And that the Reader may likewiſe ſee how far the meaſures taken by the Company are warranted by the Act of Parliament by which it was eſtabliſhed, an exact Copy of the Act of Parliament it ſelf, is hereunto ſubjoyned.

ACT FOR A COMPANY Trading to *AFRICA* and the *INDIES*.

June 26. 1695.

OUR SOVERAIGN LORD Taking into His conſideration; That by an Act paſt in this preſent Parliament, Intituled, *Act for Encouraging of Forraign Trade*; His Majeſty for the Improvement thereof, did with Advice & Conſent of the Eſtates of Parliament Statute and Declare, that Merchants more or fewer may Contract and enter into ſuch Societies and Companies for carrying on of Trade, as to any Subject of Goods or Merchandiſe to whatſomever Kingdoms, Countries, or Parts of the World not being in War with His Majeſty, where Trade is in uſe to be, or may be followed, and particularly beſide the Kingdoms and Countries of *Europe*, to the Eaſt and *Weſt-Indies*, the *Streights* & to Trade in the *Mediterranean*, or upon the Coaſt of *Africa*, or in the *Northern* Parts, or elſe where as above: Which Societies and Companies being contracted and entred into, upon the terms, and in the uſual manner as ſuch Companies are ſet up, and in uſe in other parts, conſiſtent always with the Laws of this Kingdom: His Majeſty with conſent foreſaid, did allow and Approve, giving and granting to them, and each of them, all

Powers, Rights and Priviledges, as to their Perſons, Rules and
Orders that by the Laws are given to Companies allowed to be
Erected for Manufactories; And His Majeſty for their greater
Encouragement, did promiſe to give to theſe Companies, and
each of them, His Letters patent under the Great Seal, con-
firming to them the whole foreſaid Powers and Priviledges,
with what other Encouragement His Majeſty ſhould judge need-
full, as the foreſaid Act of Parliamenr at more length bears.
And His Majeſty underſtanding that ſeveral Perſons, as well
Forreigners as Natives of this Kingdom, are willing to engage
themſelves with great Sums of Money in an *American*, *African*,
and *Indian* Trade, to be exerciſed in and from this Kingdom, if
Inabled and Incouraged thereunro by the Conceſſions, Powers
and Priviledges needfull and uſual in ſuch Caſes. Therefore and
in purſuance of the foreſaid Act of Parliament, His Majeſty with
Advice and Conſent of the ſaid Eſtates of Parliament; Doth
hereby make and conſtitute *John* Lord *Belhaven*, *Adam Cockburn*
of *Ormiſtoun* Lord Juſtice Clerk, Mr. *Francis Montgomery* of Gif-
fen, Sir *John Maxwell* of *Pollock*, Sir *Robert Chieſly* preſent Provoſt
of *Edinburgh*, *John Swinton* of that Ilk, *George Clerk* late Baillie
of *Edinburgh*, Mr. *Robert* Blackwood, and *James Balfour* Mer-
chants in *Edinburgh*. and *John Corſs* Merchant in *Glaſgow*. *Willi-
am Paterſon* Eſquire, *James Foulis*, *David Nairn* Eſquire, *Thomas
Deans* Eſquire, *James Chieſly*; *James Smith*, *Thomas Couts*, *Hugh
Frazer*, *Joſeph Cohen D' Azevedo*, and *Walter Steuart* Mer-
chants in *London*, with ſuch others as ſhall joyn with them with-
in the ſpace of twelve Months after the firſt of *Auguſt* next,
and all others, whom the foreſaid perſons and theie joyned
with them, or major part of them being aſſembled, ſhall admit
and joyn into their Joint-Stock and Trade, who ſhall all be Re-
pute, as if herein originally inſert to be one Body Incorporate,
and a free Incorporation, with perpetual Succeſſion, by the Name
of the COMPANY *of* SCOTLAND *Trading to* Africa *and the* Indies:
Providing always. *Likeas*, It is hereby in the firſt place provided,
that of the Fond or Capital Stock that ſhall be agreed to be Ad-
vanced and Imployed by the foreſaid Undertakers and their Co-
partners, The Half at leaſt ſhall be Appointed and Allotted for
Scots Men within this Kingdom, who ſhall enter and Subſcribe
to the ſaid Company, before the firſt day of *Auguſt*, One Thou-
ſand Six Hundred and Ninety Six Years: And if it ſhall happen,
that *Scots* Men living within this Kingdom, ſhall not betwixt and
the foreſaid Term, ſubſcribe for, and make up the equal half of
the ſaid *Fond* or Capital Stock; *Then* and in that caſe allennar-
ly

ly it ſhall be, and is hereby allowed to *Scots* Men reſiding abroad, or to Foireigners, to come in, Subſcribe, and to be aſſumed for the Superplus of the ſaid half, and no otherways : *Likeas*, the *Quota* of every Mans part of the ſaid Stock, whereupon he ſhall be capable to enter into the ſaid Company, whether he be Native or Forreigner, ſhall be for the leaſt, one Hundred *lib. ſterl.* And for the Higheſt or Greateſt, Three Thouſand *lib. Sterl.* and no more directly nor indirectly in any ſort; With power to the ſaid Company to have a common Seal, and to alter and Renew the ſame at their pleaſure; with Advice always of the Lyon King at Arms, As alſo to plead and Sue, and be Sued; and to purchaſe, Acquire, Poſſeſs, and enjoy Lordſhips, Lands, Tenements or other Eſtate Real or Perſonal, of whatſoever Nature or Quality, and to diſpoſe upon and alienate the ſame, or any part thereof at their pleaſure, and that by Transfers and Aſſignments made and entred in their Books and Records, without any other *Formality* of Law: Providing always, that ſuch Shares as are firſt ſubſcribed for, by *Scots* Men within this Kingdom ſhall not be alienable to any other than *Scots* Men living within this Kingdom; That the foreſaid Transfers and Conveyances as to Lands and other real Eſtate (when made of theſe only and a part) be perfected according to the *Laws* of this *Kingdom* anent the Conveyance of Lands and Real-Rights, with power likeways to the foreſaid Company, by Subſcriptions or otherways, as they ſhall think fit to raiſe a Joynt-Stock or Capital *Fond* of ſuch a Sum or Sums of *Money*, and under, & ſubject unto ſuch Rules, Conditions and Qualifications, as by the foreſaid Company, or major part of them when aſſembled ſhall be Limited and Appointed to begin, carry on and ſupport their intended Trade of Navigation, and whatever may contribute to the Advancement thereof. *And it is hereby Declared*, that the ſaid Joynt-Stock or Capital Fond, or any part thereof, or any Eſtate Real or Perſonal, Ships, Goods, or other Effects of & belonging to the ſaid Company ſhal not be lyable unto any manner of Confiſcation, Seiſure, Forfaulture, Attachment, Arreſt or Reſtraint, for and by Reaſon of any Embargo, breach of Peace, Letters of *Mark* or Repriſal, Declaration of War with any Forreign Prince, Potentate or *State*, or upon any other account or pretence whatſoever; But ſhall only be Transferrable, Aſſignable, or Alienable in ſuch way and manner, and in ſuch Parts and Portions, and under ſuch Reſtrictions, Rules and Conditions, as the ſaid Company ſhall by Writing in, and upon their Books, Records and Regiſters direct and appoint, and theſe Transfers and Aſſignments only, and no other ſhall convey the Right and Property, in and to the ſaid Joynt-Stock, and Capital *Fond* and *Effects* thereof abovementioned, or any part of the ſamen, excepting always as is above excepted, and that the Creditors of any particular *Member* of the Company may by their real Diligence affect the ſhare of the Profit falling and pertaining to the Debitor, without having any further Right or Power of the Debitors Part and Intereſt in the Stock or Capital Fond, otherways than as above appointed, and with this expreſs Proviſion, that whatever Charges the Company may be put to by the contending of any of their Members deceaſed, or of their Aſſigneys Creditors, or any other perſons in their *Rights*, The Company ſhall have Retention of their Charges and Expenſes in the firſt place. And the *Books* Records & Regiſters of the ſaid Company, or Authentick Abſtracts or Extracts out of the ſame, are hereby declared to be good and ſufficient for Evidents in all Courts of Jndicature, and elſe where, And His Majeſty with Advice foreſaid, further Statutes, and Declares, that the ſaid *John* Lord *Belhaven*, *Adam Cockburn* of *Ormiſtoun*; Lord Juſtice Clerk, Mt. *Francis Montgomery* of *Giffen*, Sir *John Maxwell* of *Pollock*, Sir *Robert Chieſly* preſent Provoſt of *Edinburgh*, *John Swinton* of that Ilk, *George Clerk* late Baillie of *Edinburgh*, Mr, *Robert Blackwood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corſs*, Merchant in *Glaſgow*, *William Paterſon* Eſquire, *James Foulis*, *David Nairn* Eſquire, *Thomas Deans* Eſquire, *James Cheiſly*, *James Smith*, *Thomas Couts*, *Hugh Frazer*, *Joſeph Cohen* D' *Azevedo*, and *Walter Stuart* Merchants in *London*, and others to be joyned with, or aſſumed by them in manner abovementioned, and their Succeſſors, or major part of them aſſembled in the ſaid Company, ſhall and may in all time coming by Plurality of Votes, Agree Make, Conſtitute and Ordain all ſuch other Rules Ordinances and Conſtitutions as may be needfull for the better Government and improvement of their Joynt-Stock, or Capital Fond in all Matters and things relating thereunto; to which Rules, Ordinances, and Conſtitutions, all perſons belonging to the ſaid Company, as well Directors as Members thereof, Governours, or other Officers Civil or Military, or or others whatſoever ſhall be ſubject, and hereby concluded: As allſo to Adminiſtrate and take Oaths *de fideli*, and others requiſite to the Management of the foreſaid Stock and Company. And the ſaid Company is hereby impowered to Equipp, *Fit*, ſet Out, *Fraught*, and Navigat their own, or hired Ships, in any manner as they ſhall think fit, and that for the ſpace of ten years from the date hereof, notwithſtanding of the Act of Parliament oue thouſand ſix hundred and ſixty one years. Inti-

tuled

tituled, *Act for Encouraging Shipping & Navigation*, wherewith His Majeſty with Conſent foreſaid diſpenſes for the ſaid time allenarly, in favours of the ſaid Company, & that from any of the Ports or Places of this Kingdom, (or, from any other parts or places in Amity, or not in Hoſtility with His Majeſty) in Warlike or other manner, to any Iſlands Countreys, or places in *Aſia*, *Africa*, or *America*; And there to Plant Colonies, build Cities, Towns or Forts, in or upon the places not Inhabited, or in or upon any other place, by conſent of the Natives and Inhabitants thereof; and not poſſeſt by any European Sovereign, Potentate Prince or State. And to provide and furniſh the foreſaid places, Cities, Towns, or Forts, with Magazins, Ordinances, Arms, Weapons, Ammunition, and ſtores of War, and by Force of Arms to defend their Trade and Navigation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatſoever; As alſo to make Repriſals, and to ſeek and take Reparation of Dammage done by Sea, or by Land, and to make and conclude Treaties of Peace and Commerce, with the Sovereigns, Princes, *Eſtates*, Rulers, Governours, or Proprietors of the foreſaid Lands, Iſlands, Countreys, or Places, in ASIA, AFRICA or AMERICA. *Providing always, Likeas*, It is hereby ſpecially provided, that all Ships imployed by them ſhall return to this Kingdom with their Effects, under the pain of Confiſcation, Forfaulture and Seizure of the Ship and Goods, in caſe of breaking of *Bulk* before their return, excepting the caſe of Neceſſity, for preſerving the Ship, Company, and Loadning allenarly. And His Majeſty with Conſent foreſaid, doth further Statute and Ordain, that none of the Leidges of this Kingdom ſhall or may Trade or Navigat to any Lands, Iſlands, Countreys or places in ASIA, or AFRICA, in any time hereafter, or in AMKRICA, for, and during the ſpace of Thirty One Years, to be counted from the paſſing of this preſent Act, without Licence and Permiſſion in writing from the ſaid Company: Certifying all ſuch as ſhall do in the contrair hereof, that they ſhall Forfault and Amit the third part of the Ship or Ships, and of the Cargo or Cargoes therein imployed, or the value thereof, the one half to His *Ma*jeſty as Eſcheat, and the other half to the uſe and benefite of the ſaid Company: For the effectual Execution whereof, it ſhall be lawfull to the ſaid Company, or any imployed by them, to ſeize the ſaid Ships and Goods in any place of ASIA or AFRICA, or at Sea upon the Coaſts of ASIA or AFRICA, upon the trangreſſion foreſaid, by force of Arms, and at their own hand, and that without the hazard of incurring any Crime or Delinquencie whatſomever on account of the ſaid Seizure, or any thing neceſſarly done in proſecution thereof; Excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, during the ſaid ſpace to any part of *America*, where the Colonies, Plantations, or Poſſeſſions of the ſaid Company ſhall not be ſettled. And it is further hereby enacted, that the ſaid Company ſhall have the free and abſolute Right and Property, only relieving and holding of his Majeſty and his Succeſſors in Sovereignty, for the only acknowledgement of their Alledgiance, and paying yearly a *Hogſhead* of Tobacco, in Name of Blench-duty, if required allenarly, in, and to all ſuch Lands, Iſlands, Colonies, Cities, Towns, Forts, and Plantations that they ſhall come to Eſtabliſh & Poſſeſs in manner forſaid; As alſo to all manner of Treaſures, Wealth, Riches, Profits, Mines, Minerals, *Fiſhings*, with the whole product and benefite thereof, as well under as above the Ground, and as well in Rivers and *Seas*, as in the Lands thereto belonging, or from or by reaſon of the ſame in any ſort, together with the Right of Government, and Admiralty thereof; And that the ſaid Company may by vertue hereof, grant and delegat ſuch Rights, Properties, Powers, and Immunities, and permit and allow ſuch ſort of Trade, Commerce, and Navigation into their Plantations, Colonies, Cities, Towns, or Places of their Poſſeſſion, as the ſaid Company, from time to time, ſhall jugde fit and convenient, With power to them to impoſe and exact ſuch Cuſtoms, and other Duties upon and from themſelves, and others Trading with, and coming to the ſaid Plantations, Cities, Towns, places and ports, and Harbours thereof, as the Company ſhall think needful for the maintainance and other publick uſes of the ſame. *Holding* always, and to hold the whole Premiſſes of *His* Majeſty, and His Succeſſors Kings of *Scotland*, as Sovereigns thereof, and paying only for the ſame their Acknowledgement and Alledgiance with a Hogſhead of Tobacco yearly, in name of Blench-duty if required for all other Duty, Service, Claim or demand whatſoever: with power and Liberty to the ſaid Company to Treat for, and to procure and purchaſe ſuch Rights, Liberties, Priviledges Exemptions and other grants as may be convenient for ſupporting, promoting and enlarging their Trade and Navigation from any forreign Potentate or Prince whatſoever in amity with His Majeſty; for which the general Treaties of Peace and Commerce betwixt His Majeſty and ſuch Potentates, Princes, or States ſhall ſerve for ſufficient ſecurity, Warrand and Authority; and if contrair the ſaid

Right

Rights, *Liberties*, Priviledges, Exemptions, Grants or Agreements, any of the Ships, Goods, Merchandiſe, perſons or other effects whatſoever, belonging to the ſaid Company, ſhall be ſtopt, detained, embezled, or away taken, or in any ſort prejudged or damnified, His Majeſty promiſes to interpoſe his Authority to have Reſtitution, reparation and ſatisfaction made for the Dammage done, and that upon the publick Charge, which His Majeſty ſhall cauſe depurſe and lay out for that effect. And further it is hereby Statute, that all Ships, Veſſels, Merchandiſe, Goods and other Effects whatſoever belonging to the ſaid Company, ſhall be free of all manner of Reſtraints, or Prohibitions, and of all Cuſtoms Taxes, Ceſſes, Supplies, or other Duties Impoſed or to be impoſed by Act of Parliament, or otherwiſe, for and during the ſpace of twenty one years, excepting always the whole Duties of Tobacco and Sugar, that are not of the Growth of the *Plantations* of the ſaid Company. And further it is Enacted, that the ſaid Company by Commiſſion under their common Seal, or otherwiſe as they ſhall appoint, may make, conſtitute all and every their Directors, Governours, and Commanders in Chief, and other Officers Civil or Military by Sea, or by Land; as likewiſe that the ſaid Company may Inliſt, Inroll, Agree, and Retain all ſuch perſons *Subjects* of this Kingdom, or others whatſoever, as ſhall be willing and conſent to enter in their Service or Pay, providing always that they Uplift or Levy none within this Kingdom to be Soldiers, without leave or Warrand firſt obtained from his Majeſty, or the Lords of his Privy Council; over which Directors, Governours, Commanders in Chief, or other Officers Civil or Military, and others whatſoever in their Service and Pay, the Company ſhall have the Power Command and Diſpoſition. both by Sea and Land. And it is further Statute, That no Officer Civil or Military, or other Perſon whatſoever within this Kingdom, ſhall Impreſs, Entertain, *Stop* or Detain any of the Members, Officers, *Servants*, or others whatſoever, of, or belonging to the ſaid Company ; And in Caſe the ſaid Company, their Officers or Agents, ſhall find or underſtand any of their Members, Officers, Servants, or others aforeſaid, to be Impreſſed, Stopped or Detained, they are hereby Authorized and allowed to take hold of, and Releaſe the foreſaid perſon Impreſſed, or Stoped in any part of this *Kingdom* either by Land or Water ; and all Magiſtrats and others, His Majeſties Officers Civil and Military, and all others are hereby required in their reſpective Stations, to be Aiding and Aſſiſting to the ſaid Company under the pain of being lyable to all the

Loſs, Dammage, and Detriment of the ſaid Company, by reaſon of the foreſaid perſons their neglect. And further that the ſaid Company, whoſe Members, Officers, Servants, or others belonging thereto, ſhall be free both in their Perſons, *Eſtates*, and and Goods imployed in the ſaid Stock and Trade from all manner of Taxes, Ceſſes, Supplies, Exciſes, Quartering of Soldiers Tranſient or Local, or Levying of Soldiers, or other Impoſitions whatſoever, and that for and during the ſpace of twenty one years. And laſtly, All Perſons Concerned or to be Concerned in this Company, are hereby *Declared* to be free Denizons of this Kingdom, and that they with all that ſhall Settle to Inhabite, or be Born in any of the foreſaid Plantations, Colonies, Cities, *Towns*, *Factories*, and other Places that ſhall be purchaſt and Poſſeſt by the ſaid Company, ſhall be Repute, as Natives of this Kingdom, and have the Priviledges thereof. And generally without prejudice of the Specialities foreſaid, His Majeſty with Conſent foreſaid, Gives and Grants to the ſaid Company, all Power, Rights aud Priviledges, as to their *Perſons*, Rules, Orders, Eſtates, Goods and Effects whatſoever, that by the Laws are given to Companies allowed to be Erected for Manufactories, or that are uſually given in any other Civil *Kingdom*, or Common-Wealth, to any Company there Erected for Trade and Commerce. And for the better Eſtabliſhment and greater Solemnity of this *Act* and Gift in Favours of the ſaid Company; His Majeſty doth further Ordain Letters Patent to be expede hereupon containing the whole Premiſſes under the great ſeal of this Kingdom, for doing whereof *Per Saltum*, Thir preſents ſhall be ſufficient warrand both to the Director and Chancellor, or Keeper of the Great Seal, as uſe is in like Caſes.

Extracted furth of the Records of Parliament, by

TARBAT *Cls. Regiſt.*

THE

THE HUMBLE ADDRESS OF THE Right Honourable the Lords *Spiritual* and *Temporal*, and *Commons* in Parliament Aſſembled.

Die Veneris, 13. *Decembris*, 1695.

WE the Lords Spiritual and Temporal, and Commons in Parliament Aſſembled, having taken into our Conſideration the State of the Trade of this Kingdom, Do find, That beſides many other Diſadvantages and Difficulties it now lies under, An Act of Parliament, that hath lately Received Your Majeſty's Royal Aſſent in Your Kingdom of *Scotland*, for Erecting a Company Trading to *Africa* and the *Indies*, is likely to bring many great Prejudices and Miſchiefs to all Your Majeſty's Subjects, that are concerned in the Wealth or Trade of this Nation; And therefore in all Duty to Your Majeſty, and the Care we ought to have of this Kingdom,

dom, We do humbly Repreſent to Your Majeſty, that the ſaid Act does provide, *That all Ships Veſſels, Merchandize, Goods, and other Effects whatſoever, belonging to that Company, ſhall be free from all manner of Reſtraints, or Prohibitions, and of all Cuſtoms, Taxes, Ceſſes, Supplies, or other Duties Impoſed or to be Impoſed by Act of Parliament, or otherways, for the ſpace of One and Twenty Years: And further, That the ſaid Company, Whole Members, Officers, Servants, or others belonging thereto, ſhall be free both in their Perſons, Eſtates and Goods Employed in the ſaid Stock and Trade, from all manner of Taxes, Ceſſes, Supplies, Exciſes, Quartring of Soldiers Tranſient or Local, or Levying of Soldiers, or other Impoſitions, during the ſpace of One and Twenty Years.*

By reaſon of which great Advantages granted to the *Scots Eaſt-India Company*, and the Duties and Difficulties that lie upon that Trade in *England*, a great part of the Stock and Shipping of this Nation will be carried thither; and by this Means *Scotland* be made a free Port for all *Eaſt-India* Commodities; and conſequently thoſe ſeveral Places in *Europe*, which were Supplyed from *England*, will be Furniſhed from thence, much Cheaper than can be done by the *Engliſh*: And therefore this Nation will loſe the Benefit of Supplying Foreign Parts with thoſe Commodities, which hath always been a great Article in the Ballance of our Forreign Trade: Moreover, the ſaid Commodities will unavoidably be brought by the *Scots* into *England* by Stealth, both by Sea and Land, to the vaſt Prejudice of the *Engliſh* Trade and Navigation, and to the great Detriment of Your Majeſty in Your Cuſtoms. And when once that Nation ſhall have ſettled themſelves in Plantations in *America*, our Commerce in Tobacco, Sugar, Cotton, Wool, Skins, Maſts, *&c.* will be utterly loſt, becauſe the Priviledges of that Nation, granted to them by this Act, are ſuch, That that Kingdom muſt be the Magazine for all thoſe Commodities, and the *Engliſh* Plantations, and the Traffick thereof loſt to us, and Exportation of our own Manufactures Yearly Decreaſed.

Beſides theſe, and many other Obſtructions that this Act will unavoidably bring to the General Trade of this Nation, Another Clauſe in the ſaid Act, *whereby your Majeſty Promiſes to Interpoſe your Authority, to have Reſtitution, Reparation, and Satisfaction made, for any Damage that may be done to any of the Ships, Goods, Merchandize, Perſons, or other Effects whatſoever belonging to the ſaid Company, and that upon the Publick Charge,* Does ſeem to Engage your Majeſty to Employ the Shipping and Strength at Sea of this Nation, to Support this New Company, to the great Detriment, even of this Kingdom.

All which great Prejudices, Inconveniencies, and Miſchiefs ariſing by the ſaid Act, We in all Duty and Faithfulneſs lay before Your Majeſty.

MATTH. JOHNSON.
Cleric' Parliamentor.

His Majeſty's moſt Gracious Anſwer.

I *Have been ill ſerved in* Scotland, *but I hope ſome Remedies may be found, to prevent the Inconveniencies which may ariſe from this Act.*

A MEMORIAL *Given in to the Senate of the City of* Hamburgh *in* French, *faithfully Tranſlated into* Engliſh.

To their Magnificences the Burgo-Maſters, and to the Gentlemen-Councellors of this City of *Hamburgh*,

WE, the Subſcribers, *Miniſters* of His Majeſty, The King of *Great Britain*, have, upon the Arrival of *Commiſſioners* from an *Indian-Company* in SCOTLAND, Repreſented, at two ſeveral Times, to your Magnificences and Lordſhips, from the King our Maſter, That His Majeſty underſtanding, that the ſaid Commiſſioners Endeavoured to open to themſelves a Commerce and Trade in theſe Parts, by making ſome Convention or Treaty with this City, had Commanded us moſt expreſly, to Notify to your Magnificences and Lordſhips, That if you enter into ſuch Conventions with privat Men His Subjects, who have neither Credential Letters, nor are any other ways Authorized by His Majeſty; That His Majeſty would Regard ſuch Proceedings, as an Affront to His Royal Authority; And that He would not fail to Reſent it. Your Magnificences and Lordſhips had the Goodneſs to Anſwer us thereto by your Deputy, that you would no way enter into Commerce with the afore-mentioned *Commiſſioners*, nor Encourage them in any ſort. Notwithſtanding whereof, We the Subſcribers do ſee with Diſpleaſure, That, without any Regard to the Remonſtrances made by us in the Name of His Majeſty, the Inhabitants of this City forbear not to make Conventions and Treaties with the ſaid *Commiſſioners*, who dare even Erect a *Publick-Office* to receive Subſcriptions, as appears by the annexed Print. And it is not very Credible, That Strangers could ſo openly Enterprize Matters of ſuch Importance, without being Supported by this Government: *Wherefore*, We make our Juſt Complaints thereof to your Magnificences and Lordſhips; Beſeeching you, in the Name of the King our Maſter, to remedy in time that which is begun, and to do it ſo Effectually, as to prevent any Conſequences it may have, capable to diſturb the Friendſhip and good Correſpondence, which we would Cultivat between *England* and the City of *Hamburgh*. We wait your Magnificences and Lordſhips Anſwer in Writing, to be tranſmitted to His Majeſty our Maſter. And we are,

Your Magnificences and
Lordſhips moſt humble
Servants,

Done at *Hamburgh* the 7th. of *April* 1697.

CRESSET
His *Britannick Majeſties* Envoy Extraordinary at the Courts of *Lunenburgh*, and his Plenipotentiary at the Treaty of *Pinenberg*.

The Knight RYCAUT Reſident for His Majeſty the King of *Great-Britain* in the City of *Hamburgh*.

Which Memorial was immediatly tranſmitted by the Senate to the *Commercii*, (or Body of Merchants of that City) who happening to be then met in their own Hall, did, upon Peruſal thereof, give the following Anſwer;

WE look upon it as a very ſtrange thing, That the King of Britain *ſhould offer to hinder us, who are a Free People, to Trade with whom we pleaſe; But are amazed to think, That he would hinder us from Joyning with his own Subjects in* Scotland, *to whom he had lately given ſuch large Priviledges, by ſo Solemn an Act of Parliament.*

Upon Notice of all which, the Company's Deputees went immediatly to the Senate, and gave in a ſhort Memorial in *French*, which, being faithfully Tranſlated, is as followeth;

Noble and Venerable Lords,

WE the Subſcribers, Deputees and Directors of the *Indian* and *African-Company* of the Kingdom of *Scotland*, Underſtanding that the Gentlemen, His Majeſty of *Great Britain*'s Miniſters here, have preſented a Memorial to your Lordſhips, in which they ſeem to quarrel the Powers which have been granted to us by His Majeſty, and the Parliament of *Scotland*, to make Treaties of Commerce with any Foreign Potentate, Prince or State, not in War with His Majeſty the King our Soveraign, for Enlarging the Trade, and for the better Eſtabliſhment of our ſaid Company;

We pray your Lordſhips, That you would be pleaſed to Communicat the ſaid Memorial to us, that we may take Meaſures accordingly.

Hamburgh the 9th.
day of *April* 1697.

Your Lordſhips moſt
humble and obedient
Servants,
Jo. Erskine.
Jo. Haldan.
Will. Paterſon.

The Senate thereupon recommended the Deputees above-nam'd to the *Commercii*, (in whoſe Hands the Memorial lay) who gave them a Copy thereof; Doubles of which were, by the ſaid Deputees, diſpatched to both the Secretaries of State for *Scotland*, and to the Court of Directors of the Company. And in the mean time, the Merchants, to aſſert their own Freedom and Priviledges, Sign'd for conſiderable Sums in the Company's Books; But with a Condition to be void, if the Company did not procure ſome Declaration from the King, that might render them ſecure from the Threatnings, and other Inſinuations contain'd in the ſaid Memorial.

To the Kings moſt Excellent Majeſty.

The Humble Addreſs *of the* Council-General *of the* Company *of* Scotland *Trading to* Africa *and the* Indies.

May it pleaſe Your Majeſty,

WHereas, By the 32d. Act of the 4th. Seſſion, and by the 8th. Act of the 5th. Seſſion of Your Majeſties current Parliament, as well as by Your Majeſties Patent under the Great Seal of this Kingdom, this Company is Eſtabliſhed with ſuch Ample Priviledges, as were thought moſt proper, for encouraging both Natives and Forreigners, to Joyn in the Carrying on, Supporting and Advancement of our Trade; The moſt Conſiderable of the Nobility, Gentry, Merchants, and whole Body of the Royal Burrows have, upon the Inducement and Publick Faith of Your Majeſties ſaid Acts of Parliament, and Letters Patent, contributed as Adventurers, in raiſing a far more conſiderable Joynt-Stock, than any was ever before raiſ'd in this Kingdom, for any Publick Undertaking or Project of Trade whatſoever, which makes it now of ſo much the more Univerſal a Concern to the Nation.

And for the better Enabling us to Accompliſh the Ends of Your Majeſties ſaid Acts of Parliament, and Letters Patent, we have, in Purſuance thereunto, appointed certain Deputees of our own Number, to Tranſact and Negotiat our neceſſary Affairs beyond Sea. And at the ſame time, to Treat with ſuch Forreigners of any Nation in Amity with Your Majeſty, as might be inclinable to Joyn with us for the Purpoſes aforeſaid.

In the Proſecution of which Commiſſion to our ſaid Deputees, (Veſted with full Power and Authority according to Law) we are not a little ſurpriz'd to find, to the great Hindrance and Obſtruction of our Affairs, That Your Majeſties Envoy to the Courts of *Lunenburgh*, and Reſident at *Hamburgh*, have, under Pretence of ſpecial Warrant from Your Majeſty, given in a Joint-Subſcribed Memorial to the Senate of *Hamburgh*, expreſly Invading the Priviledges granted to our Company, by your Majeſty's ſaid Acts of Parliament and Letsers Patent, as by the herewith tranſmitted Copy may appear.

By the which *Memorial* we ſuſtain great and manifeſt Prejudices, ſince both the Senate and Inhabitants of the ſaid City of *Hamburgh* are thereby (contrary to the Law of Nations) expreſly threatned with your Majeſty's high Diſpleaſure, if they, or either of them, ſhould countenance or joyn with us, in any Treaty of Trade orCommerce whatſoever, which deprives us of the Aſſiſtance which we had reaſon to expect from ſeveral Inhabitants of that City.

For Redreſs whereof, we do in all Duty and Humility Apply to your Majeſty, not only for the Protection and Mantenance of our Priviledges and Freedom of Trade; but alſo for Reparation of Damnages, conform to your Majeſty's ſaid Acts of Parliament and Letters Patent: And do further beg leave to Repreſent to your Majeſty, That tho by the ſaid Act of Parliament and Letters Patent, we conceive our ſelves legally and ſufficiently Authorized to Treat even with any *Sovereign, Potentate* or *Eſtate* in Amity with your Majeſty, for the Support and Advancement of our Trade; yet we by our ſaid Deputees have only treated with particular and private Merchants of the ſaid City of *Hamburgh*, without ever making any the leaſt Propoſal to the Senate thereof. And this we humbly conceiv to be the natural Right and Priviledge of all Merchants whatſoever, even tho we had wanted the Sanction of ſo Solemn Laws. And without ſome ſpeedy Redreſs be had therein, not only this Company, but alſo all other individual Merchants of this Kingdom, muſt from hence forward conclude, That all our Rights and Freedom of Trade are and may be further, by our Neighbours, violently wreſted out of our Hands.

We therefore, to prevent the further evil Conſequences of the ſaid Memorial to our Company in particular, do make our moſt Humble and Earneſt Requeſt to your Majeſty, that you would be Graciouſly pleaſed to grant us ſuch Declaration, as in your Royal Wiſdom you ſhall think fit, to render the Senate and Inhabitants of the ſaid City of *Hamburgh*, and all others that are or may be concern'd, ſecure from the Threatings and other Suggeſtions contain'd in the ſaid Memorial, as well as to render us ſecure under your Majeſty's Protection, in the full proſecution of our Trade, and free enjoyment of our lawful Rights, Priviledges and Immunities, contain'd in your Majeſty's Acts of Parliament and Letters Patent above-mentioned.

Signed at Edinburgh *the Twenty Eight Day of* June 1697, *in Name, Preſence, and by Order of the ſaid Council-General, by*

May it pleaſe your Majeſty,

Your Majeſties moſt Faithful,
moſt Dutiful, moſt Humble,
and moſt Obedient Subject
and Servant,

YESTER. P.

Memorandum, That the Council-General of the Company, did at the ſame time come to a Reſolution of Repreſenting the Premiſſes likewiſe to His Majeſties moſt Honourable Privy Council, but were afterwards prevailed upon to ſuperſede that Reſolution, at the Secretaries of State's earneſt Deſire (they being both then here) and upon their joint Engagement to procure a ſpeedy Anſwer from his Majeſty.

The King's Anſwer to the ſaid Addreſs.

By the Right Honourable, John *Earl of* Tullibardin, *&c. and Sir* James Ogilvy *Knight, Principal Secretaries of State.*

My Lords and Gentlemen,

WE are impowered by the King to ſignify unto you, That as ſoon as His Majeſty ſhall Return to *England*, he will take into Conſideration what you have Repreſented unto him; And that in the mean time His Majeſty will give Orders to his Envoy at the Courts of *Lunenburgh*, and his Reſident at *Hamburgh*, not to make uſe of his Majeſty's Name or Authority for obſtructing your Company in the proſecution of your Trade with the Inhabitants of that City. Signed at *Edbinurgh* the ſecond Day of *Auguſt* 1697.

To the Council-General of the Company of Scotland *Trading to* Africa *and the* Indies.	*Tullibardin.* *Ja: Ogilvy.*

A Letter from the Directors of the Company to the Right Honourable, the Earl of Tullibardin, *&c. Principal Secretary of State.*

Edinburgh, 28. September, 1697.

May it pleaſe your Lordſhip.

IT is not unknown to your Lordſhip in what Humor the Council-General of our Company, and moſt part of the Nation were in, with relation to the Memorial given in to the Senate of *Hamburgh*, againſt our Company by the *Engliſh* Miniſters there; Upon which enſued the ſaid Council-Generals late Addreſs, tranſmitted to His Majeſty by your Lordſhip. And your Lordſhip very well knows, that at your Requeſt and Deſire only, upon Promiſes of uſing your beſt Endeavours to procure a Speedy and Satisfactory Anſwer from His Majeſty, the ſaid Council-General was prevailed upon, to ſuſpend repreſenting that Matter further to the Government, till the 2*d* day of *Auguſt* laſt paſt; On which day your Lordſhip did ſignify His Majeſty's Anſwer to the ſaid Addreſs; Upon Receipt whereof, the ſaid Council-General did reſolve to Superſede any further proceeding therein, till His Majeſty's arrival in *England*, as not in the leaſt doubting but His Majeſty would have in the mean time, purſuant to His ſaid Anſwer, given Orders to his Reſident at *Hamburgh* with relation to the ſubject Matter of the ſaid Memorial: But we are extreamly ſurpriz'd to find by Letters of the 31 *ultimo*, from our Company's Agent in that City, That he had, according to our Order, been to wait on the *Engliſh* Reſident there, and with all the Reſpect due to his Character, intimated to him the Contents the ſaid Addreſs and Anſwer: Upon which the ſaid Reſident declared, *That he was Ready and Willing to obey his Maſters Orders, but that as yet he had got none in that Matter.* We cannot imagine what ſhould be the occaſion of this new Diſ-appointment, ſince we cannot ſuffer our ſelves to believe, but that His Majeſty has, according to His Letter to your Lordſhip, given Orders as aforeſaid, which makes us admire the more where the Neglect of that Matter doth now ſtand; Yet we muſt needs ſay, we are in ſome meaſure afraid to acquaint the ſaid Council-General with it, leſt they be more uneaſie thereupon than we could wiſh, till firſt we have your Lordſhips Anſwer. For which cauſe we the ſeveral Subſcribing Directors of the ſaid Company (who are now in Town) have thought fit in as quiet a manner as poſſible to give your Lordſhip an Account thereof, to the end you may in your Wiſdom and Prudence adviſe His Majeſty with relation thereunto, and doubt not but your Lordſhip will take ſuch care herein, as may prevent our calling another Council-General with relation to the Premiſſes, which we are bound unavoidably to do, if we have not your Lordſhips timely Anſwer. We are

May it pleaſe your Lordſhip,

Your Lordſhips moſt Obedient
and humble Servants.

Ad: Cockburn.
Fran: Montgomery.
Arch: Mure.
Geo: Clark:
Rob: Blackwood.
Ja: Balfour.
William: Paterſon.

Mem: *A Sign'd Duplicate hereof was likewiſe ſent at the ſame time to the Right Honourable Sir* James Ogilvy *Knight,* &c.

To the King's Moſt Excellent Majeſty.

The humble Addreſs of the Council-General of the Company of Scotland, *Trading to* Africa *and the* Indies.

May it pleaſe your Majeſty,

BY a former Addreſs of the 28*th* of *June* laſt, we have humbly repreſented to your Majeſty, how that your Majeſty's Envoy to the Courts of *Lunenburg*, and Reſident at *Hamburgh*, did under Pretence of Special Warrant from Your Majeſty, give in a Memorial to the Senate of the ſaid City of *Hamburgh*, contrary to the Law of Nations, and expreſly invading the Priviledges contained in the Acts of Parliament and Letters Patent, by which our Company is eſtabliſhed: Copies of which Addreſs and Memorial we have, for Your Majeſty's better Information, hereto annexed. In anſwer to which, Your MAJESTY was then graciouſly pleaſed to ſignifie by Your Royal Letter, *That upon Your MAJESTY's arrival in* England, *You would take the Contents of our ſaid Addreſs into Conſideration: And that in the mean time, You would give Orders to Your ſaid Miniſters not to make uſe of Your Majeſty's Name or Authority for obſtructing our Company in the Proſecution of our Trade, with the Inhabitants of the ſaid City of* Hamburgh.

In the full Aſſurance of which we reſted ſecure, and took our Meaſures accordingly, till to our further Surprize and great Diſappointment, we find, by repeated Advices from *Hamburgh*, That Your Majeſty's ſaid Reſident continues ſtill Contumacious, and is ſo far from giving due Obedience to Your Majeſty's ſaid Order, that upon Application made to him for that Effect, with all the Reſpect due to his Character, he pretended that he had never as yet got any ſuch Order on our Behalf, which we thought fit in all Duty and Humility, to lay before Your Majeſty, renewing withal our moſt humble and earneſt Requeſt, That Your Majeſty would be now graciouſly pleaſed to take the Contents of this, and our ſaid former Addreſs into Conſideration, and in Your Royal Wiſdom order ſome ſpeedy and Effectual Redreſs of our Grievances therein-mentioned, and a juſt Reparation of the manifeſt Damages, which our Company has already ſuſtained, by reaſon of the ſaid Memorial. And grant us a Declaration under Your Royal hand, to render the Senate and Inhabitants of the ſaid City of *Hamburg*, and all others with whom we have occaſion to enter in Commerce, ſecure from the Threatnings and other falſe Suggeſtions, mentioned in the ſaid Memorial, as well as to render us ſecure under Your Majeſty's Protection in the free Enjoyment of our Lawful Rights and Priviledges contained in Your Majeſty's Acts of Parliament and Letters Patent above-mentioned.

Sign'd at Edinburgh, *the 22d Day of* Decemb. 1697, *in Name, Preſence, and by Order of the ſaid Council-General, by,*

May it pleaſe Your Majeſty,

Your Majeſty's moſt Faithful, moſt Dutiful, moſt Humble, and moſt Obedient Subject and Servant, Fr. Scott, Pr.

To the Right Honourable, The Lord High Chancellor, and remanent Lords of His Majeſty's moſt Honourable Privy-Council:

The humble Repreſentation of the Council-General of the Company of Scotland, *Trading to* Africa *and the* Indies.

May it pleaſe your Lordſhips,

'TIs not unknown to your Lordſhips, how that in ſeveral ſucceſſive Seſſions of this Current Parliament, His Majeſty's Inſtructions to His reſpective High Commiſſioners, and their ſeveral Speeches purſuant thereunto, have been full of repeated Aſſurance of His Majeſty's good Inclinations for encouraging the Trade and Manufactures of this Nation. And whereas accordingly, by the 32*d.* Act of the 4*th.* Seſſion, and the 8*th.* Act of the 5*th* Seſſion of the ſaid Parliament, together with His Majeſty's Letters Patent under the Great Seal of this Kingdom, our Company is eſtabliſh'd with ſuch ample Priviledges and Immunities as were thought moſt proper for encouraging both Natives and Foreigners to joyn in the carrying on, ſupporting and advancement of our Trade. We have in purſuance and upon the publick Faith thereof, not only contributed at home a far more conſiderable Joint-Stock than was ever before raiſed in this Nation, for any publick Undertaking or Project of Trade whatſoever; but have alſo had all the promiſing Hopes and Proſpect of Foreign Aid that our Hearts could wiſh, till, to our great Surprize, the *Engliſh* Miniſters at *Hamburgh* have, under Pretence of Special Warrant from his Majeſty, put a ſtop thereto, by giving in a Memorial to the Senate of that City, threatning both Senate and Inhabitants with the King's utmoſt Diſpleaſure, if they ſhould countenance or joyn with us in any Treaty of Trade or Commerce: As by the annexed Copy thereof may appear.

Upon due Conſideration whereof, we have, in all Duty and Humility, addreſs'd His Majeſty in *June* laſt for Redreſs thereof.

In anſwer to which Addreſs His Majeſty was then graciouſly pleaſed to ſignifie by his Royal Letter, *That upon His return into* England, *He would take into Conſideration the Contents of our ſaid Addreſs. And that in the mean time He would give Orders to His ſaid Miniſters at* Hamburgh, *not to make uſe of His Royal Name or Authorty for obſtructing the Trade of our Company with the Inhabitants of that City.*

In the full Aſſurance of which we reſted ſecure, and took our Meaſures accordingly, till, to our further Surprize and unſpeakable Prejudice, we found by repeated Advices from *Hamburgh*, that the ſaid Reſident continues ſtill Contumacious, and is ſo far from giving due obedience to His Majeſty's ſaid Order, that upon Application made to him by our Agent in that City, with all the Reſpect due to his Character, he declared, *That as yet he had got no ſuch Order on our behalf*. Which, by a further Addreſs we are now to lay before His Majeſty.

But whereas we humbly conceive your Lordſhips to be more immediatly, under His Majeſty, the Guardians of the Laws and Liberties of this Kingdom, we think it our Duty to repreſent

ſent to your Lordſhips the Conſequences of the ſaid Memorial, both with relation to our Company in particular, and the Priviledges, Intereſt, Honour, Dignity and Reputation of the Nation in general.

Your Lordſhips very well know of what Concern the Succeſs of this Company is to the whole Kingdom, and that ſcarce any particular Society or Corporation within the ſame can juſtly boaſt of ſo unanimous a Suffrage or Sanction, as the Acts of Parliament, by which this Company is eſtabliſhed: So that if effectual meaſures be not taken for putting an early ſtop to ſuch an open and violent Infringement of, and Encroachment upon the Priviledges of ſo ſolemn a Conſtitution, 'tis hard to gueſs how far it may in after Ages, be made uſe of as a Precedent for invading and overturning even the very Fundamental Rights, Natural Liberties, & indiſputable Independency of this Kingdom; which, by the now open and frequent Practiſes of our unkind Neighbours, ſeem to be too ſhrewdly pointed at. And ſhould this Company (wherein the moſt conſiderable of the Nobility, Gentry, Merchants, and whole Body of the Royal Boroughs are concern'd) be ſo unhappy (which God forbid) as to have its Deſigns rendred unſucceſsful, through the unaccountable evil Treatments of our ſaid Neighbours; moſt certain it is, that no Conſideration whatever, can thereafter induce this Nation to join in any ſuch other Publick, tho' never ſo advantageous Undertaking, as not doubting but to meet with the like or greater Diſcouragements from thoſe who give ſuch frequent and manifeſt Indications of their Deſigns to wreſt our Right and Freedom of Trade out of our Hands.

For which cauſe we humbly offer the Premiſſes to your Lordſhip's ſerious Conſideration, not doubting but you will (in your profound Wiſdom and Prudence) take ſuch effectual Meaſures for Redreſs thereof at preſent, and to prevent the like Encroachments for the future, as may be capable to remove thoſe Apprehenſions and Jealouſies which the bare-faced and avowed Methods of the *Engliſh* do now ſuggeſt, not only to our Company in particular, but even to the whole Body of this Nation in general.

Sign'd at Edinburgh, *the* 22*d day of* December 1697, *in Name, Preſence, and by Order of the ſaid Council-General, by,*

May it pleaſe your Lordſhips,

Your Lordſhips moſt Obedient,

and moſt humble Servant,

Fran. Scott, *Pr:*

A Letter from the Council-General of the Company, to His Grace the Duke of Queensberry.

Edinb. *the* 25th. *of* Decemb. 1697.

May it pleaſe your Grace,

THis is by Order of the Council-General of the *Indian* and *African* Company of *Scotand*, to acquaint your Grace, that by this Poſt, here is a Second Addreſs from the ſaid Council-General tranſmitted to the Secretaries of State, be by them preſented to His Majeſty. And the Subject Matter thereof being of ſo high a concern, not only to the Company, but alſo to the whole Nation ; It is not doubted but that your Grace both as a Patriot and a Party Intereſted in the Company's Stock, will imploy your Intereſt to ſecond the ſame, refering your Grace to the Bearer for particular Information of the whole *Matter*, and what has been already done therein. I am,

May it pleaſe your Grace,
Your Graces moſt Obedient;
and moſt humble Servant,
Fran: Scot, *Pr.*

Mem: That Letters to this purpoſe, were at the ſame time written to ſuch others of the Scots *Nobility, and moſt conſiderable Gentry, as happen'd to be then at* London.

A Letter from both the Secretaries of State, in Anſwer to the Council-General of the Company's ſecond Addreſs to His Majeſty.

Kenſingtoun, Jan. 17. 1698.

SIR,

WE preſented this Day to the King the Addreſs of the *African* Company : We could not have Opportunity to do it ſooner, His Majeſty being ſo much taken up at this time. The King ſaid, That he had already given Orders to his Reſident at *Hamburg* in that Matter, conforme to his Lettter he wrote from *Flanders* in *July* laſt, which was communicated to the Company. We are,

S I R,

Your humble Servants,

To Sir *Fran: Scott* of *Thirleſtane.*

Tullibardin,
Ja. Ogilvy.

To His Grace, His Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The humble Petition of the Council-General of the Company of Scotland, *Trading to* Africa *and the* Indies.

Sheweth,

THat whereas the Wiſdom of the King, and this preſent Parliament, has thought fit by two ſeveral ſolemn Acts, and Letters Patent under the *Great Seal* of this *Kingdom*, to eſtabliſh our COMPANY, with ſuch *Power*, *Priviledges*, and *Immunities*, as were thought needful, to encourage any ſuch New Undertaking in this Nation, & particulary to raiſe a Joynt-Stock in ſuch manner as we ſhould think fit. And for that End, to enfranchiſe ſuch Foreigners, as would become Partners with us, and to enter into Treaties of Commerce with any in Amity with His Majeſty for that effect, *&c.* Thoſe of our Number who were then intruſted with the Management thereof, did think it moſt Natural to make the firſt Offer of ſharing our ſaid Priviledges, with our Country-Men, and other Neighbours in *England*, as living under the ſame Monarchy. And they not only readily embraced the Offer, but in Nine Days time ſubſcribed 300000 *l. Sterl.* as the one half of the Capital-Stock then propoſed, and Actually payed in the firſt fourth part thereof, part in *Specie*, part in *Bank-Notes*, and the reſt in *Notes* payable upon demand.

That both Houſes of the Parliament of *England*, taking Umbrage at thoſe Proceedings, did not only joyntly Addreſs His Majeſty, for fruſtrating the ends of the ſaid Acts, but the Houſe of Commons did alſo appoint a Committee to Examine what Methods were taken, for obtaining the ſaid Acts of Parliament here for eſtabliſhing our Company, who were the Subſcribers thereto, and who were the Promoters and Adviſers thereof; with Power to ſend for Perſons, Papers, and Records: Purſuant to which, the ſaid Committee gave Orders to Summon not only the *Engliſh* Subſcribers, but even ſome Perſons then Reſiding in *Scotland*, as by the ſaid Addreſs, Votes of the Houſe of Commons, and Copy of the ſaid Summons may appear; By all which, together with ſome other Meaſures then taken, our Friends in *England* were, to our great Loſs, Diſappointment, and Retardment, forced to relinquiſh, *&c.*

That notwithſtanding of that Diſcouragement, not only moſt of the Nobility, Gentry, Merchants, and the whole Body of the Royal Borrows, have upon the Inducement, and Publick Faith of the ſaid Acts of Parliament, and Letters Patent, Contributed as Adventurers, in raiſing a far more conſiderable Joynt-Stock, than any was ever before raiſed in this Kingdom for any Publick Undertaking, or Project of Trade whatſoever, (which makes it now of ſo much the more Univerſal a Concern to the Nation) but we have alſo had all the Promiſing Hopes of Foreign Aid, that our Hearts could wiſh, eſpecially at *Hamburgh*, where the Merchants of that City entred into Contract with our Deputees, to joyn at leaſt 200000 *l. Sterl:* with us, till, to our gaeat Surprize and Loſs, the *Engliſh* Miniſters there, did, under Pretence of Special warrant from His Majeſty,put a Stop thereto, by giving in a Memorial to the Senate of that City, not only diſowning the Authority of the ſaid Acts of Parliament, and Letters Patent, but alſo Threatning both Senate, and Inhabitants, with the King's outmoſt Diſpleaſure, if they ſhould Countenance, or Joyn with us in any Treaty of Trade, or Commerce, as by the annexed Copies thereof, in *French* and *Engliſh*, may appear, which Memorial we humbly pray, may for the better Information of Your Grace, and Right Honourable Eſtates, be alſo Read in Parliament.

That after the ſaid Memorial was by the Senate tranſmitted to the Commercij or Body of Merchants of that City, They to aſſert their own Freedom, did Adviſe and Prevail upon our Deputees and Agent,who were there for the time, to openBooks in the ſaid Merchants Hall,where for ſome days they ſign'd conſiderable Sums purſuant to their ſaid Contract, tho' under Condition to be void, if we ſhould not procure ſome Declaration from the King, that might render them ſecure from the Threatnings, and other inſinuations contained in the ſaid Memorial ; And to our great Diſappointment, thus the Caſe ſtands in Suſpenſe, between them and us to this Day.

That as the reaſonable (nay and unqueſtionable) Proſpect which we had of a powerful Aſſiſtance from *Hamburgh*, and ſeveral other places (if not obſtructed as aforeſaid) induced us to propoſe a far greater Equipage at firſt, than otherwiſe we would have done ; So the rendering of theſe Meaſures *abortive*, has not only weakn'd our Stock, leſſen'd our Credit, retarded our firſt Expedition, and diſheartned many of our Partners at home, but even alſo ſhackled our Reſolutions and Power from proſecuting at preſent ſeveral other Branches of Foreign and Domeſtick Trades and Improvements which we had in veiw, if we had not met with ſuch Obſtructions and Diſcouragements from Time to Time.

That tho' our Company is more immediatly and ſenſibly touched in many Reſpects by ſuch Proceedings, than any other ; Yet we humbly conceiving alſo, that the Honour and Independency of the Nation, as well as the Authority and Credit of the Parliament is ſtruck at through our ſides ; We could not as Country-men, and in Duty to that Collective Power, which gave our Company firſt a Being, but inform His Grace *His Majeſty's High Commiſſioner*, and the Right Honourable the *Eſtates of Parliament* of the Premiſſes, to the End, that the *Great Council* of the Nation, now aſſembled (whom GOD Almighty Direct) may do therein as they in their profound Wiſdom and Diſcretion, ſhall think fit.

That as to what thereof concerns our Company in Particular, we ſhall humbly beg leave to Suggeſt further, That our Ships being now at

Sea, on their intended Voyage, the former Treatment which our Company met with in *England* and elſe where, may give us too juſt grounds to ſuſpect, that if either through Multiplicity of publick Affairs, or otherways howſoever; *Your Grace* and Right Honourable *Estates of Parliament*, ſhould neglect the taking preſent Notice of ſuch Uſage, the Enemies of our Company would be thereby encouraged, either directly or indirectly to purſue their former deſigns of Ruining (if poſſible) all our Meaſures.

May it therefore pleaſe Your Grace, *and the* Right Honourable *the* Eſtates of Parliament, *to take the Premiſſes into your moſt ſerious Conſideration, to vindicat our* Company's *Reputation Abroad, by ſupporting the Credit of the Acts of* Parliament, *and Letters Patent, by which the ſame is Eſtabliſhed, and wherein the Honour of the* Nation *is ſo much concerned, to take effectual Meaſures (as the ſaid Act provides) for repairing the great Loſs and Damages, which we have already ſuſtained, through the unwarantable Treatment above-mentioned, as well as for preventing the like for the future; & withal, to continue to us the Priviledges and Exemptions mentioned in the ſaid Acts of Parliament, and Letters Patent, for ſome longer time, in conſideration of the time already elapſed without Execution, and our Stock lying dead, without Improvement, by reaſon of the Obſtructions aforeſaid.*

Sign'd at *Edinburgh* the 22 day of *July* 1698. in Name and Preſence of the ſaid Council-General, by;

Baſil Hamilton, I.P.C.G.

The Parliament's Addreſs to His Majeſty.

WE your Majeſty's moſt Loyal and Faithful Subjects, The Noblemen, Barons, and Burgeſſes conveened in Parliament, humbly repreſent to your Majeſty, That having conſidered a Repreſentation made to us by the Council-General of the Company Trading to *Africa* and the *Indies*, making mention of ſeveral Obſtructions they have met with in the Proſecution of their Trade, particularly by a Memorial preſented to the Senate of *Hamburgh*, by your Majeſty's Reſidents in that City, tending to leſſen the Credit of the Rights and Priviledges granted to the ſaid Company, by an Act of this preſent Parliament.

We therefore in all humble Duty lay before your Majeſty, the whole Nation's Concern in this Matter, and we do moſt earneſtly entreat, and moſt aſſuredly expect, That your Majeſty will in your Royal Wiſdom, take ſuch Meaſures as may effectually vindicat the undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and Intereſt thereof.

And as we are in Duty bound to return your Majeſty moſt hearty Thanks, for the gracious Aſſurance your Majeſty has been pleaſed to give us of all due Encouragement for promoting the Trade of this Kingdom; So we are thereby Encourag'd at preſent, humbly to recommend to more ſpecial Marks of your Royal Favour, the Concern of the ſaid Company, as that Branch of our Trade, in which we, and the Nation we repreſent, have a more peculiar Intereſt.

Subſcribed at Edinburgh, *the* 5th *of* Auguſt 1698. *in Name, Preſence, and by Warrant of the Eſtates of Parliament.*

Seafie d, *I. P. D. P*

To the King's Moſt Excellent Majeſty.

The humble Petition of the Court of Directors of the Company of Scotland, *Trading to* Africa *and the* Indies.

Sheweth,

THAT whereas the Eſtates of Parliament have by their Addreſs of the *5th* of *Auguſt* inſtant, been pleaſed to recommend the Concerns of the ſaid Company to ſome Marks of your Royal Favour, for ſupporting the Credit and Intereſt thereof, which has already ſuffered in a great meaſure, by reaſon of the ſeveral Obſtructions which they have met with in the proſecution of their Trade; particularly by a Memorial given in to the Senate of *Hamburgh*, by your Majeſty's Miniſters there. We are thereby encourag'd in all humility to lay before your Majeſty,

That as the ſaid Memorial was given in to the Senate of *Hamburgh*, in a moſt ſolemn and publick manner; ſo your Petitioners humbly conceive, that the Effects thereof cannot be taken away, but by ſome Intimation made to the ſaid Senate, that they may enter into Commerce with your Petitioners, as freely and ſecurely in all reſpects, as they might have done before the giving in of the ſaid Memorial.

That in conſideration of the Damages ſuſtain'd by the Company as aforeſaid, Your Majeſty would be pleaſed for their Incouragement at preſent, as a Gracious Mark of your Royal Favour, to beſtow upon them the two ſmalleſt of the Frigots, now lying uſeleſs in *Bruntiſland* Harbour.

That in regard of the time already loſt, by reaſon of the Obſtructions aforeſaid, Your Majeſty would be graciouſly pleas'd to continue the Priviledges granted by Act of Parliament to the ſaid Company, of being Cuſtom-free, for ſuch longer time as your Majeſty ſhall, in your Royal Wiſdom, think fit.

In reſpect of all which, may it pleaſe your Majeſty to take the whole Premiſſes into your Royal Conſideration, and give ſuch Orders and Directions with relation thereunto, as to your Majeſty, in your Royal Wiſdom, ſhall ſeem meet and expedient.

Signed at Edinburgh *the* 16th *day of* Auguſt 1698. *in Name, Preſence, and by Warrant of the ſaid Court of Directors, by,*

May it pleaſe your Majeſty,

Your Majeſty's moſt Loyal,
moſt Dutiful, moſt Humble,
and moſt Obedient Subject
and Servant,

Geo. Clark. *I. P. C. D.*

Letters

Letters from Mr. Stevenſon, *the Company' Agent at* Hamburgh, *to the Court of Directors of the Company.*

Hamburgh *the* 4th. *of* October, 1698.

Much honoured Lords and Gentlemen ;

I Wrote to you on the 26*th* paſt, adviſing you of my going poſt to *Hamburgh*, in purſuance of your Orders, where I arriv'd the 2*d* inſtant. And the Day following I waited upon the *Engliſh* Reſident, and in the Company's Name deſired to know if he had yet received his Maſter's Pleaſure, ordering him no more to oppoſe the Tranſactions of the *Indian* and *African* Company of *Scotland* in this City ; which I preſſing hard, anſwered by his Character and Honour, he never received any Orders from his Maſter that mentions the ſaid Company, ſince his giving in the Memorial againſt them : So I have no further to add, but that I am,

My Lords and Gentlemen,

Your moſt faithful Servant to power,

Alexander Stevenſon.

This was under Cover which contained what followeth.

Much honoured Lords and Gentlemen ;

BY this within-cloſed, you have a full Anſwer as to what may be expected here for ever.

Since my parture from this, I am informed that the *Engliſh* here did conſtantly aſſert that the Company would never be redreſſed, and the Delay of the ſame, after all your means, has made an Impreſſion upon the Minds of People, that it will never be, at leaſt ſuch as they might truſt to.

Hamburgh *the* 18th *of* October, 1698.

Much honoured Lords and Gentlemen;

I Wrote to you of the *4th* current, wherein I adviſed you of Sir *Paul Rycaut* Engliſh Reſident at *Hamburgh*'s Anſwer given me anent your Affairs, to which refers: Mr. *Creſſet* Envoy at the Courts of *Lunenburgh*, being returned from waiting upon his Majeſty there; I thought it my Duty to wait upon him, and demanded in your Names to know if his Majeſty had ſignified his Royal Pleaſure, anent removing of the ſtop put to the Company's Affairs in this City, through the Memorial given in to the Senate againſt them: To which Anſwered he received no ſuch Orders, and was of the Judgment, If the Memorial were yet to be given in, it would be done. I ſhall not enlarge what farther paſt, but aſſure you he ſeems to inſinuate, that his private Orders from the Government of *England*, was to act quite contrary to your Expectations. This is all from,

My Lords and Gentlemen,

Your obedient Servant,

Alex. Stevenſon.

To the Right
Honourable
the Court of
Directors,
&c.

This was under Cover, which contained what followeth.

Much honoured Lords and Gentlemen.

BY the within-cloſed you have an account of what relates to your Affairs with reſpect to have the Merchants in this City concerned: I cannot offer to ſpeak to the Commercij about the ſame, but thoſe Merchants here that are Signers in the Books of Subſcriptions, are as cordial as ever, were the Stop removed, they doubt not things here would take the deſired effect.

A Letter from the Court of Directors of the Company, to the Lord Seafield *Secretary of State, upon receipt of Mr.* Stevenſon's *Letters.*

Edinburgh, *Novemb.* 29. 1698.

My Lord,

THis is by order of the Council-General of the *Indian* and *African* Company of *Scotland*, to cover the incloſed Copies of two Letters lately received from our Company's Agent at *Hamburgh*. Upon reading whereof yeſterday at a meeting of the ſaid Council-General, they were not a little ſurpriz'd at the Contents thereof, conſidering the many repeated Aſſurances given them formerly by Letters, word of Mouth, and even in Parliament, that the King had already given Orders to his Miniſters at *Hamburgh*, with relation to the Memorial given in to the Senate of that City againſt our Company. But after ſome reaſoning thereupon

upon, and conſidering how far your Lordſhips frank Undertaking, when laſt in *Scotland*, as well as the Station you are in, doth engage your beſt Endeavours to procure the Company Juſtice, and vindicate the Kingdom's Rights in this matter. They have ordered us, the Court of Directors, to tranſmit the ſaid Copies to your Lordſhip, and expect your Lordſhips Anſwer to this and our late Petition to his Majeſty, before they remonſtrate any further with relation thereunto. This is in preſence, and by Warrant of the ſaid Court of Directors, from,

My Lord,

To the Right Honourable the Viſcount of Seafield, *Secretary of State for the Kingdom of* Scotland.

Your Lordſhips moſt humble Servant,
John Schaw, P.

The Secretary's Anſwer.

SIR, Whitehall, *Decemb.* 13. 1698.

I Received a Letter from you as Preſident of a Committee of the *Eaſt-India* Company, which relates to Accounts they have had from their Correſpondent at *Hamburgh*, with the Copys of two Letters they have received: I ſhall take the firſt convenient Opportunity I can have to repreſent this Matter to the King, but I cannot as yet expect to have it; For his Majeſty is very much imployed in the Affairs of his Parliament here. This is all the Anſwer I can give at preſent, and which you may ſignify to thoſe concerned: I am,

SIR,

To Sir John Schaw *of* Greenock, *&c.*

Your moſt faithful and humble Servant.
SEAFIELD,

A Letter from the Court of Directors, in Anſwe to the Secretary.

Edinburgh, *Jan.* 13. 1699.

My Lord,

SIR *John Schaw* of *Greenock*, having ſome time ago ſignified to the Court of Directors of our Company, the Contents of a Letter, which he received from your Lordſhip, bearing date at *Whitehall*, the 13*th* of *December* laſt intimating that your Lordſhip would take the firſt convenient opportunity of repreſenting to his Majeſty the Company's Petition, with relation to the Parliament's Addreſs; as alſo the Contents of the Company's Letter to your Lordſhip, bearing date the 24*th* of *November* laſt. But in reſpect we have not all this time heard any further from your Lordſhip concerning that Matter, this is by order of the ſaid Court of Directors to put your Lordſhip in mind of the Premiſſes, not doubting but you have had before this time a convenient opportunity to repreſent the ſame to his Majeſty; and in expectation of your Lordſhips ſpeedy and ſatisfactory Anſwer, I remain,

My Lord,

Your Lordſhips moſt humble Servant,

Archibald Mure. Pt.

To the Right Honourable the Viſcount of Seafield *Secretary of State.*

The Secretary's Anſwer.

Whitehall, *Febr.* 7 1699.

SIR,

I Have preſented to his Majeſty the Petition of the *African* Company; and I am commanded by him to let you know, That there being accounts that the Ships belonging to the Company are arriv'd upon the Coaſt of *America*; And the particular Deſign not being communicated to his Majeſty, he therefore does delay to give any Anſwer untill he receive certain Information of their Settlement. This you may ſignify to the Council or Directors of the Company, as being by his Majeſty's Command: I am

SIR,
Your moſt humble
Servant, *Seafield.*

To Sir Archibald Mure
of Thornton, *&c.*

A Letter from the Council-General of the Company to his Majeſty, giving an Account of their Colony's arrival and ſettlement at Darien: &c.

May it pleaſe you Majeſty;

WE your Majeſty's moſt loyal and dutiful Subjects, the Council-General of the Company of *Scotland* trading to *Africa* and the *Indies*, having by expreſs received an Account from the Council of our Companys Colony in *America*, that they arriv'd ſafe at their intended Port within a League of *Golden Iſland* on the Coaſt of *Darien*;

and after having treated on board of our Ships with the Natives, who were always own'd to be the only Proprietors of that part of the Coaſt, our Men did, at the requeſt, and with the conſent of the ſaid Natives, land on the *4th* of *November* laſt, and take poſſeſſion of an uninhabited Place, never before poſſeſſed by any *European* whatſoever; and that in purſuance of the ſaid Treaty, the chief Men and Leaders of the ſaid Natives have join'd with, and taken Commiſſion from the ſaid Council. We thought it our Duty at our very firſt Meeting to give your Majeſty an account thereof; and likewiſe that by Letters from our ſaid Council bearing date at *New Edinburgh* in *Caledonia* (being the Name given to our preſent Settlement) the 28th day of *December* laſt, we are poſitively informed that the *French* have a Deſign upon all that Coaſt, or at leaſt to make a Settlement ſomewhere thereabouts. And we humbly conceive, that the firm Settlement of our Colony in thoſe Parts may be the means of preventing, or at leaſt leſſening the evil Conſequences that may ariſe to your Majeſty's Kingdoms and Dominions every where, by the Settlement of any powerful foreign Neighbour in, upon, or near any part of that Coaſt. And as we are always bound thankfully to acknowledge your Majeſty's Goodneſs for granting us theſe Priviledges mentioned in the Acts of Parliament, and your Majeſty's Letters Patent by which our Company is eſtabliſhed: So we do now in all humility confidently expect your Majeſty's Royal Favour and Protection, as having in all the Steps of our Conduct through the whole Courſe of this Affair, ſtrictly obſerved the Conditions required by the ſaid Acts of Parliament and

Letters Patent: And referring this together with the Contents of our laſtPetition to yourMajeſty's RoyalConſideration,to give ſuchDirections therein as to your Royal Wiſdom ſhall ſeem meet and expedient.This is in Name,Preſence,and by Warrant of the ſaid Council-General: Signed by,

May it pleaſe your Majeſty,

Edinburgh,the 31*ſt* day of *March* 1699.

Your Majeſty's moſt faithful,
moſt dutiful, moſt humble,
and moſt obedient,
Subject and Servant,

TWEEDDALE.

A Letter from the Court of Directors to the Lord Carmichael *Secretary of State, then in waiting.*

My Lord,

THis being the firſt Opportunity that we have had to Addreſs your Lordſhip, ſince your Advancement to that eminent Station and Place of Truſt wherein you are; We muſt account it a Happineſs that upon Receipt of the late welcome News from our Colony'sCompany in *America*, we can tranſmit an Account thereof to his Majeſty by the hands of one ſo much devouted to the Honour and Intereſt of ourCountry andCompany,as your Lordſhip has upon all Occaſions ſhewn your ſelf; and who being often Witneſs to our Company's Proceedings from time to time, can give a juſter account thereof than any other that has no Intereſt in our Stock, nor has ever been amongſt us. Incloſed you have our Council-General's ſeal'd Letter to his Majeſty, which we doubt not your Lordſhips will carefully deliver, together with an exact Copy thereof for your Lordſhips better Information, to which we refer, but ſhall for your further Information enlarge a little upon the ſeveral Heads therein mention'd: As to our place of Settlement it is ſo far from having ever been poſſeſs'd by any European whatſoever, that by all the Accounts that we could ever yet get, not only at this time from theCouncil of ourColony, but even by ſuch Letters as we have ſeen and heard of from *Curacao*,and other *American* Iſlands, noEuropean did before ourSettlement ſo muchas onceſet a foot upon thatPlot of Ground wherein our Colony is now fix'd: And tho the ſame was altogether uninhabited, when our People came there, the chief *M*en and Leaders of the Natives of that part of the Coaſt neareſt adjoining to *Golden Iſland*,Eaſt-ward and Weſtward, have not only treated with the Council of our Colony before Landing, but have alſo in purſuance of that Treaty in a moſt kind and friendly manner admitted our ſaid Colony into ſuch Places of their Neighbourhood as are not yet poſſeſſed, and taken Commiſſions from the ſaid Council in a very ſolemn manner, and joined with ourPeople; *And that in conſideratiom of ourColony's admiting them and their followers to participate of the Liberties and Priviledges granted to our Company by his Majeſty of* Great Britain *OUR SOVERAIGN LORD, with Advice and conſent of his Parliament of* Scotland, *entreating to be protected accordingly*: We repeat theſe Words, as being the expreſs Words of the firſt

Commiſſion which the ſaid Council granted. As to the *French* Deſigns of ſetling thereabouts, it is a Point not to be doubted of: For in order thereunto they have already been tampering with ſeveral of the Natives, ſome of whom they endeavour'd to have carried into *France*; and we have very good reaſon to believe that a further Progreſs had been made in that matter before now, were it not the daily Expectations which that Court had of the King of *Spains* Death, which we humbly conceive is a Matter worthy of his Majeſty's conſideration, and of no ſmall concern to the intereſt of his whole Dominions, tho this Nation and our Company may ſeem to be more immediatly intereſted, at preſent.

Your Lordſhip ſees we have in the incloſed Letter to the King made mention of our laſt Petition, and hope your Lordſhip will take a convenient Opportunity to back the ſame: For as your Lordſhip knows, we have already ſuffered conſiderably by encroaching upon our Priviledges, ſo we ought to be very careful, as much as in us lies, not to admit of any dangerous Precedents. And really we muſt ſay, We were very much ſurpriz'd the other day, when we underſtood by Letters from the Council of our Colony, that Capt. *Long* Commander of the *Rupert* Prize, who carries his Majeſty's Commiſſion for finding out and fiſhing of Wrecks, ſhould under the colour of that Commiſſion, wherever he went, traduce our Undertaking and Colony to all ſorts of People upon that Coaſt, whether Natives or others, declaring that our ſaid Colony was no other than a pack of Rogues, Vagabounds, Robbers, and broken Officers, without any Commiſſion, and that the King would not own them ; nay further, he himſelf came into our Harbour, where he was very courteouſly and reſpectfully treated by all our People there ; in recompence of which, he very ingratefully made it his ſtudy all the while to ſeduce our Men, and did carry off one of our chief Carpenters, which is a very conſiderable Loſs in that part of the World, and in the Infancy of our Settlement, conſidering how neceſſary a Man he was, and the Difficulty of ſupplying his Place ſo quickly as they may have occaſion for him. This kind of Uſage is really ſo provocking, that we cannot ſuppoſe but that the King may be graciouſly pleaſed to interpoſe his Royal Authority for preventing the like Uſage in time to come, if his Majeſty were duely informed thereof. So in the confidence of his Majeſty's gracious Countenance and Protection, and your Lordſhip's hearty Endeavours to procure the ſame ; this is by Order of the Council General, and in Name, Preſence, and by Warrant of the Court of Directors of our Company, Signed by,

Edinburgh 1ſt *day*
of April, 1699.

My Lord,
Your Lordſhip's moſt
obedient and moſt
humble Servant,

To the right Honourable,
the Lord Carmichael,
Secretary of State.

J. Haldane. P.

Memorandum, There was another Letter to the ſame purpoſe, written to the Viſcount of *Seafield*, with an incloſed Copy of the ſaid Letter to the King.

The

A Memorial given in to the King of Great Britain *by the Ambaſſador Extraordinary of* Spain; *againſt the* Scots *Settlement at* Darien.

THe Subſcriber, Ambaſſador Extraordinary from His Catholick Majeſty, finds himſelf obliged, by expreſs orders, to repreſent to your Majeſty, that the King his Maſter having received Information from different places, and laſt of all from the Governour of *Havana*, of the Inſult and attempt of ſome *Scots* Ships, equipt with Men and other things requiſite, who deſign to ſettle themſelves in His Majeſty's Soveraign Demains in *America*, and particularly the Province of *Darien*. His Majeſty received thoſe Advices with very much diſcontent, and looks upon the ſame as a token of ſmall friendſhip,& as a rupture of the Alliance between the two Crowns (which His Majeſty hath obſerved hitherto, and always obſerves very religiouſly, and from which ſo many Advantages and Profites have reſulted both to your Majeſty and your Subjects); As a conſequence of which correſpondence His Majeſty did not expect ſuch ſudden inſults and attempts by your Majeſty's Subjects, and that too in a time of Peace, (without pretext or any cauſe) in the very heart of his Demains.

All that the King deſires, is, that this may be repreſented to your Majeſty,and that your Majeſty may be acquainted, that he is very ſenſible of ſuch Hoſtilities and unjuſt procedures, againſt which His Majeſty will take ſuch meaſures as he thinks convenient.

Given at London *the* $\frac{13}{3}$ *day of* May 1699.

Th

The Three following Memorials were preſented to His Majeſty in May 1699. *by the Lord Preſident of the Seſſion, and Lord Advocat, on behalf of the Company of* Scotland, *Trading to* Africa *and the* Indies, *aſſerting the Legality of their Settlement in* Darien.

1ſt. *MEMORIAL.*

THe Eſtabliſhment of the Company of *Scotland*, Trading to *Africa* and the *Indies*, was firſt prepared by an Act of Parliament 1693. Inviting and Encouraging Perſons in General, to enter into Societies, and Companies, for carrying on a Trade to whatſoever Kingdoms, Countrie or parts of the World, not being in War with His Majeſty, and thereafter perfected by the Act of Parliament 1695, and a Charter thereon under the Great Seal, whereby the ſaid Company was fully Settled with all the Powers, Priviledges, and Immunities in uſe to be granted in ſuch caſes, and particularly with Power to plant Colonies, and build Cities, Towns, and Forts in *Aſia*, *Africa*, or *America*, upon Places not Inhabited, or upon any other Place, by Conſent of the Natives, and Inhabitants thereof, and not poſſeſs'd by any *European* Prince or State.

The Settling of this Company was ſo acceptable to the whole Kingdom, abounding always with Men, and of late Years, very deſirous to enlarge Trade and Commerce, That the Com-

panys

pany'sBooks being once opened, Subſcriptions for a vaſt Sum were compleated long before the Day prefix'd by the Act of Parliament, and there were few Perſons or Families of any Account within the Kingdom, who were not therein particularly concerned.

But tho' the Subſcriptions were ſoon compleated, and the Advances made, as readily as propos'd; yet the Directors and Managers, did proceed with great Deliberation,not being more Cautious to Conceal the Place where they were deſign'd for,than Careful to make ſuch a Choice, as might be exactly in the Terms of their Act and Patent, To wit, *Either not Inhabited, or freely Conſented to, by the Natives, and not poſſeſs'd by any* European *Prince or State, and ſo lyable to no Exception.*

In purſuance of theſe Reſolutions, The Company prepared Men, and Proviſions, and ſet out their Ships, and in the Month of *November* 1698, arrived on the Noth-ſide of the *Iſthmus* of *Darien* in *America*, they pitched upon a Place never before poſſeſs'd by the *Spaniards*; and after formal and diſtinct Treaties, obtained the Conſent and Good-will of all the Neighbouring Natives and People.

The *Spaniards* and *French* raiſe a Clamour againſt the Settlement, as an Invaſion of the *Spaniſh* Poſſeſſions and Dominions, in as much as the Place where the Company hath fixed, lyes as it were in the Middle and Boſom of the *Spaniſh* Countries, having *Carthagena* on the Eaſt, and *Porto-Bello* on the Weſt, and *Panama* on the South, which is alſo alledged to be contrary to the

Treaties betwixt the King of *Great Brittain* and the King of *Spain*, whereby all theſe Countries are yeilded and conformed to the *Spaniards*

If theſe parts of *America* had been wholly Void and Uninhabited, when the *Spaniards* made their firſt Diſcoveries, and Plantations there, the Queſtion had certainly proceeded upon the head of Occupation, the only Ground acknowledg'd by all Lawyers to determine the Property of all Waſte and Uninhabited Countries, where a formal Diviſion hath not Interveened, as *Grotius* in particular, in his Second Book *de jure Belli* doth abundantly clear, and then the *Spaniards* muſt have further Subſumed, That as they found theſe Countries Waſte, ſo they were the Occupiers and Poſſeſſors thereof; and in Special, that they were the firſt Occupiers and Poſſeſſors of the *Iſthmus* of *Darien*, and the Place where the Company hath Settled, it being moſt certain, that Occupation gives no Right, ſave in ſo far as the Real and Actual Poſſeſſion extends.

But ſeing on the other hand, it is Nottour, and by all Acknowledg'd, That the *Spaniards* did not find theſe Parts Waſte, and Uninhabited, this Argument muſt neceſſarly fall; and all that the *Spaniards* can now Plead, is either preſent Poſſeſſion, which the Company's Patent owns to be a ſufficient Right to any *European* Prince or State, or the above-mention'd Treaties, as excluſive of the King of *Great Brittain*'s Subjects.

For clearing then the Claim and Point of Poſſeſſion, The Company denies that ever the *Spaniard* had any Poſſeſſion of the Place where they have Planted; and its obviouſly Incumbent to the *Spaniard*, if they alledge Poſſeſſion, to prove and inſtruct their Alledgance for the Company's Argument being Negative, *viz.* That the *Spaniards* did never Poſſeſs the Country where the Company hath Settled, it Undeniably proves it ſelf, as all Lawiers affirm, unleſs the contrary, to wit, The *Spaniards* Poſſeſſion, be evidently made out and proved, which is impoſſible; Nor do the *Spaniards* pretend to prove the ſame; But their Alledgance is, That in theſe large Countries of *America*, it were plainly Capricious to require the Actual Poſſeſſion of every particular Place; But ſince they have the Uncontraverted Right and Poſſeſſion of *Carthagena*, *Porto-Bello*, and *Panama*, which are the Extremities that in a manner environ the *Iſthmus* of *Darien*, their Poſſeſſion of theſe Places, muſt infer a Poſſeſſion of the Interjacent Country in which the Company hath Settled, and conſequently, that the Company hath Encroached upon, and Invaded their Right: And further, its ſaid, That the *Spaniards* have actually poſſeſs'd Gold and Silver Mines in *Darien*, much nearer to the Company's Settlement than *Carthgena*, or theſe other Places, and have conſtantly been in uſe to Seize and make Prize of all Ships coming upon the Coaſt, betwixt *Porto-Bello* and *Carthagena*, as Invaders of their Poſſeſſions, tho' theſe Ships did really pertain to Friends and Allies.

To all which, It is anſwered, 1*mo.* That the above-mentioned Places belonging to the *Spaniard*, are very far diſtant from the Settlement of the Company, *Carthagena* above Fifty, and *Porto-bello* and *Panama* above Thirty Leagues, which Diſtances are more then ſufficient to render Countries

tries diſtinct, both as to Right and Poſſeſſion. 2*do.* It's certain, that *Carthagena*, *Porto-bello* or *Panama*, cannot be underſtood to have unlimited Territories; if then their Territories be limited, it belongs to the makers of the Objection to ſhow, that the Limits of theſe places do reach to, and comprehend the Place poſſeſs'd by the Company, which neither the *Spaniards*, nor any for them, will ever be able to prove, by the Law of Nations, or any known Rule, or Cuſtom in ſuch Caſes.

It hath already been Notic'd, That tho' theſe Countries had been wholly Void, when the *Spaniards* begun to Plant there, they could only by their Poſſeſſion have appropriat as far as they did poſſeſs, and that what was not poſſeſs'd, would have remain'd free, to be appropriated by the Occupation, and poſſeſſion of any other People, a Rule Uncontraverted amongſt all Nations on the Face of the Earth.

But the Caſe of *America* being, That before any Plantations were Settled there, by the *Spaniards*, the Natives were undoubtedly the Poſſeſſors and Proprietors. It follows neceſſarly, That Colonies coming to Settle among them, muſt derive Right from them, and that either by Conſent, Surrender, or Conqueſt, it being impoſſible in the caſe of Countries inhabited, there can be any other Manner or Mean of Acquiſition; But ſo it is, That the *Spaniards* acquiring after this manner, neither could, nor can pretend to have Right to more than did pertain to the People where they Settled, whether by Conſent, Surrender or Conqueſt.

Whence it neceſſarly follows, That ſince *Darien* was a diſtinct Country, and the Inhabitants thereof a diſtinct People, from thoſe Countries and Nations, where the *Spaniards* have hitherto Settled whether by Conſent, Surrender, or Conqueſt; The *Spaniards* cannot pretend to extend their Right beyond that of their Predeceſſors, and the People & Country of *Darien* muſt ſtill be as free from the *Spaniards*, as they were from their Predeceſſors; and conſequently, that the Company coming to poſſeſs with the *Dariens* Conſent, and by their Right, muſt be in the like Condition, and noways lyable to either the Claim, or Complaint of the *Spaniards*, That the Country and Natives of *Darien* did never ſubmit to, or were conquered by the *Spaniards*, muſt ſtand as a ſure Poſition, unleſs the contrary be proven: But further, it is alſo certain, That the *Dariens* were never Repute to have any Dependency even on the great Empires of *Mexico* and *Peru*, much leſs upon the little places of *Carthagena*, *Porto-bello*, or *Panama*: Beſides, The *Dariens* have been in frequent War with the *Spaniards*, ſince their firſt arrival into theſe Parts, and were never to this day Conquered: All which being atteſted by the *Engliſh*, and other Travellers, who have Written on this Subject; It appears to be beyond Controverſy, That the Company having Settled with the Conſent of theſe *Dariens*, muſt have the ſame Right, with the ſame Priviledges and Freedom of Trade which the *Dariens* had, and that both are equally free from all the *Spaniſh* Pretenſions.

It is a known Caſe that an *Engliſh* Man one *Sharp*, having join'd with the *Dariens* againſt the *Spaniards*, invaded their Territories; he was accuſed by the *Spaniards* in *England*, as guilty of

Robbery and Piracy, but was acquitted, becauſe he acted by Commiſſion from one of the *Darien* Princes, which is an undeniable Evidence, that this Prince and his Countrey were judged to be independent on the *Spaniards*.

The *Spaniards* may alſo have wrought Mines of Gold and Silver within the Iſthmus; but no ſuch poſſeſſion can ſupport their Complaint: The neareſt poſſeſſion of Mines that they can pretend was in Captain *Diego*'s Country, on the Gulf of *Darien*, more than 15 Leagues diſtant from the Company's Settlement; Neither did the *Spaniard* get theſe Mines by Conqueſt, or Purchaſe, but by a plain ſtipulate Permiſſion from Captain *Diego*, and his people, which changed not the Property; And upon Breach of Conditions, the *Spaniards* were quickly caſt out, ſo that when the Company came to ſettle on the Iſthmus, it was fully cleared of the *Spaniards* & all their pretences.

Carthagena, *Portobello* and *Panama*, are adjacent to, and do in a manner environ the Iſthmus of *Darien*; But that this Vicinity gives to the *Spaniards* no Claim of Right, is evident from many Inſtances; *Tangier*, *Cheuta* and *Mamora*, ly in the Boſom of the Empire of *Morocco*, and yet belong to *European* Princes; The *Engliſh* and *French* have Neighbouring Settlements upon the River *Gambo* in *Africk*, and all along the Coaſt of *Africk* the *Engliſh* and other *European* Princes have their Settlements intermixed and contiguous, where they Trade with all Freedom, without any mutual Impeachment. The *Engliſh* and *French* have both Plantations upon the Iſland of *Newfoundland*, and the *Dutch* in time of Peace ſettled upon *Long-Iſland*, and the adjacent Countrey environed on all hands by the *Engliſh* Plantations, aud yet no War enſued, but the *Dutch* continued their poſſeſſion till the Exchange was made for *Suranam*.

The *Spaniſh* Fleets do neceſſarly paſs betwixt the Cape of *Florida* belonging to the *Spaniards*, and the *Bahama* Iſlands, yet the *Engliſh* poſſeſs themſelves of the ſaid Iſlands, and have alſo ſeveral times ſettled at *Port-Royal* in the bottom of the Bay of *Campiechy* in the Gulf of *Mexico*, for cutting of Logwood, and have thence removed and ſettled again at their pleaſure. The *French* have alſo endeavoured to ſettle in the Bay of *Mexico*, and lately and more cloſely in the *Samblas* Iſlands on the Coaſt of *Darien*; They likewiſe ſettled a Colony in *Petitguavis* in *Hiſpaniola*, and in *Guiana* on the Continent, notwithſtanding of the Vicinity of the *Spaniards*. The *Dutch* and *Portugueſe* have their Reſpective Plantations on the Coaſt of *Braſil*, to which the *Spaniards* pretend Right as well as to the Iſthmus of *Darien*, ſuch as the Iſlands of *Curaſao*, and *Bowane*, near to *Carthagena* on the Eaſt, and *Suranam* and others upon the Continent, and yet never quarrelled. It is granted that the *Spaniards* in their exceſſive Jealouſie, and upon the Pretext that by Treaties, none were to Trade in their Ports or Harbours, ſuch as *Carthagena*, and *Porto-bello* without their Licence, have ſeized and made prize of the Ships that they have found upon the Coaſt betwixt the ſaid Places; But firſt, they did this upon pretext of the ſaid Treaties. Secondly, Injury and Violence make no Right.

And thirdly, it is moſt certain when the *Spaniards* have been overcome and beat off in ſuch Attempts, and forced to ſuffer both *Dutch* and *Engliſh* to cut Logwood on that

Coaſt, yet the *Spaniards* did never complain of any Violation of Right, as knowing perfectly they had none, as may be ſeen in *Dampier, Wafer*, and other writers.

The *Spaniards* at firſt endeavoured to amuſe the World, with the Popes Gift of the *West-Indies*, and after the King of *Spain*'s becoming King of *Portugal*, and in the Right of that Crown, claiming the Benefit of the Popes Gift of the *Eaſt-Indies*, he aſſumed the Magnifick Title of *Indiarum Rex*: Yet he was never able to make good his Right, or exclude others by theſe empty Names; but in all Competitions the Pretentions of *Spain*, did either reſolve in Occupation of what was void or ſurrendered, or conqueſt of what was poſſeſs'd by Natives; and that Title was never much regarded, either by *Spain*, *Portugal*, or any other Prince Popiſh or Proteſtant.

The ſecond Head which may be pleaded for the *Spaniard*, is, the Treaties that have been betwixt the Crowns of *England* and *Spain*. But 1*mo*. Granting that the Kingdom of *Scotland* will never diſown any Treaty betwixt their King (whom G O D long preſerve and proſper) may be concerned, where are theſe Treaties that exclude either the *Scots* or *Engliſh*, from poſſeſſing *Darien*? if not inhabited, or where Inhabited, with conſent of the Inhabitants? If the *Spaniard* propone upon theſe Treaties, they muſt produce them. 2*do*. All to be found in the latter Treaties betwixt the ſaid Crowns, ſuch as the Treatie 1667, and the Treatie 1670, which may be underſtood to be the only Regulating Treaties in this Matter, is that in the former, The King of *Spain* obliges himſelf not to moleſt the King of *England*, or his Subjects in their Plantations in *America*, theſe particulars enumerated not by way of Exception, but becauſe ſome of them had been contraverted. And that in the other Treaty 1670, It is agreed in the 7th. Article, That the King of *Great Brittain*, and *His Heirs and Succeſſors*, ſhall have, hold, and poſſeſs, with full Right of Empire, Property, and Poſſeſſion, all Lands, Regions, Iſles, Colonies, and Lordſhips, ſituated in the *Weſt-Indies*, or any part of *America*, which his ſaid Majeſty, or his Subjects, did then hold or poſſeſs, So that no contraverſie on any pretence, was thereafter to be moved on that Subject. And in the eight Article, That the Subjects of the ſaid King ſhould abſtain from all Commerce, and Navigation, in the Ports and Places, having Forts, Caſtles, or Staples for Merchandiſe, poſſeſſed by either of them. To wit, That the Subjects of *Great Brittain* ſhould not Trade, nor Sail to the Ports nor Places, which the King of *Spain* hath in the *VVeſt-Indies*, nor the Subjects of the King of *Spain*, Trade nor Sail to the Places, which the King of *Great Brittain* there poſſeſſes, without Licence given *hinc inde*, in the Terms therein ſet down. By which it plainly appears, that all agreed to, was, and is, That the Kings and their Subjects reſpectively, ſhould forbear Injuries, as likewiſe to Trade and Navigate without Licence in the Ports, Caſtles, and Staples, to either of them belonging, which can no ways exclude the King of *Great Brittain* and his Subjects from Trading, or making new Plantations in to ſuch Places in *America*, as either are not inhabited, or where the King of *Spain* hath no Right. The *Spaniard* may poſitively pretend, that the Treaties provided to the King of *England*, and his Subjects of certain particular Places, and generally what they then poſſeſs'd in the *Weſt Indies*, may be conſtrued an Exception, and import (as it were) an Acknowledgement, that the reſt of the *Weſt Indies* did belong to the Crown of *Spain*. But, *1mo*, The Places provided to the King of *England* and his Subjects are only enumerate for the greater Caution and Security, becauſe ſome of them had been taken from the King of *Spain*, and thereupon contraverted. And, *2do*, It is evident by the foreſaid eight Articles, the Reſerve of Trade is equally and mutually provided, and reſtricted to the King of *Great Brittain* and the King of *Spain*, their reſpective Poſſeſſions; ſo that nothing can be elicite from theſe Treaties, to give the King of *Spain* the Right to the whole *Weſt Indies*, excepting the foreſaid places poſſeſſed by the King of *England*, nor to ty up the King of *Brittain* and his Subjects, from *making new* lawful Acquiſitions in theſe Parts. *But it is agreed to*, That they ſhould ſecure the one, the other in their reſpective Poſſeſſions; And thus theſe Treaties have been always underſtood, nor have they hindred the *Engliſh* to enlarge their Poſſeſſions in the *Weſt Indies* upon juſt Occaſions, which certainly belongs as much, if not more to the *Scots*.

2d, MEMORIAL, By the ſame.

THe Company of *Scotland* Trading to *Africa* and the *Indies*, having by the other Memorial, endeavoured to clear the Juſtice of their Proceedings, as to their Settling a Plantation in the *Iſthmus* of *Darien* in *America*, do further in all Humility Repreſent, *1mo*, That there was never any Enterprize of a more National Concern, than the foreſaid Plantation is to the Kingdom of *Scotland*, the Erecting and Eſtabliſhing of the ſaid Company, was the Unanimous Deſire and Satisfaction of the Nation, all Perſons almoſt, and Families of any Conſideration, did readily ſubſcribe for, and advance conſiderable Sums, for carrying on the Deſigns of the Companv, much above what could have been expected. The Succeſs the Company hath had, in overcoming Difficulties, and fixing upon a Place that appears ſo advantageous to Trade and Commerce, hath likewiſe raiſed the Expectation and Deſire of its Continuance and Proſperity, to a far higher Degree than ever was known in any Buſineſs of this Nature: And, *Laſtly*, it is moſt certain, That nothing could be more Grievous and Afflicting to the whole Nation, without Exception, than that this Undertaking, ſo far and ſo happily advanced, ſhould meet with the leaſt Diſcouragement, eſpecially from ſuch, whoſe Countenance and Aſſiſtance is ſo earneſtly craved.

2do, It appears from the whole Circumſtances of this Affair, That the *Engliſh* Nation can have no Prejudice, but rather Advantage by the foreſaid Undertaking: For, *Firſt*, If it ſhall be profitable, the Profit evidently redounds to their Fellow Subjects and good Neighbours. *Secondly*, The *Engliſh* have free Acceſs, to come in and partake of the Profit, when they pleaſe. *Thirdly*, The Product of the Place is probably like to conſiſt neither of Tobacco nor Suggars, the great Commodities of the *Engliſh* Plantations, but of ſuch Goods and Commodities, as the *Engliſh* do not afford. *Fourthly*, It is true, That by the Act of Parliament, and Patent of the Company, all Ships imployed by the Company, are to return to the Kingdom of *Scotland* with their Effects: But it is as true, That the ſaid Act and Patent did bear the Liberty and Priviledge of a Free Port, and Mercat for all Strangers that ſhall be pleaſed to Trade with them, who are not under the foreſaid Obligation, but may come and go with their Return whether they pleaſe, which cannot but be of Advantage to the whole *Engliſh* Plantations, as to a Free Courſe of Trade. *Fifthly*, It is likeways granted, That by the foreſaid Act of Parliament, the Ships, Goods and Effects whatſoever belonging to the ſaid Company, are declared free of all Cuſtoms and other Duties, for the ſpace of 21 Years, but then four of the ſaid Years are already run, and this ſmall Encouragement was needful to begin ſo great a Work, whereof probably the Profit can little more than equal the Expenſes for all that ſpace; And beſides, the Duties of Tobacco and Sugar, not of the Growth of the ſaid Plantation, are excepted, and not diſcharged: And alſo it is evident, That if the Plantation proſper; the foreſaid ſhort Diſcharge of Cuſtoms, and other Duties, will be richly compenſed by the great Increaſe of Trade, and conſequently of His Majeſties Cuſtoms, that may for thereafter be thence expected. And, *Sixthly*, The Company and Plantation cannot reaſonably threaten any Diminution of His Majeſties Cuſtoms in *England*; but on the contrary, this Plantation promiſing a new Trade, far different from the Trade of all the *Engliſh* Plantations, and offering to all, the Liberty of a Free Port, muſt rather increaſe the Trade of *England*, both to the King and Subjects Advantage.

As for the Objection, That the Company, by the Immunity they have from Cuſtoms and Duties, may Import, and then as freely Export, and ſo underſell any other Nation, during that Immunity: Its Anſwered, That the Company in *England* have almoſt the ſame Priviledge, ſince, if they pleaſe to Export after their Return from the Plantations, they are allowed to do it freely with a full Draw-back, excepting only 3 or 4 *per Cent.*

3*tio*, It is with Submiſſion Repreſented, That in all Appearance, if the Company of *Scotland* had not ſeized the foreſaid Poſt in *Darien*, the *French* had certainly taken it: And now, that it is diſcovered to be ſo advantageous for Trade, it is not to be doubted, but that the *French*, who ſhew ſuch Earneſtneſs to have the *Scots* excluded, will certainly, if any ſuch thing ſhould happen, poſſeſs themſelves of it, not only to the Hurt of the *Engliſh* Plantations, but to the far greater Prejudice, if not the Ruin of the *Spaniards* Intereſt in the *Indies.*

And therefore, All things truly and juſtly conſidered, it is hoped, that not only the *Engliſh* will become more and more favourable to ſo good a Deſign, but that even the *Spaniſh* will the more eaſily acquieſce to Reaſon and Juſtice, that they ſee a more Powerful Competitor ready to catch hold of an Advantage, that cannot be ſo ſafe for them in the Hands of any other Nation, as in the Poſſeſſion of the foreſaid Company.

3*d.* *MEMORIAL, By the ſame.*

THe Company of *Scotland* Trading to *Africa* and the *Indies*, being endued with very ample Priviledges, hath ſettled a Colony at *Darien*, *en*, a Countrey very fit and proper for that purpoſe, not only for the Richneſs of the *S*oil and Mines, but likeways by its *S*ituation for Trade.

The *Spaniards* have the moſt conſiderable Intereſt and Plantations in *America*, and are not willing, that any other Nation, or People ſhould have ſhare of the Advantages and Benefits they draw from thence, which is not Singular in the preſent Caſe, becauſe they have ever withſtood all *P*lanters, either upon the Continent, or *American* Iſlands, by Acts of Violence and Hoſtility, as if every *S*ettlement in *America* were an Encroachment upon the Right of *Spain*.

There is lately a Memorial offered in behalf of the King of *Spain*, to one of the Secretaries of State of the Kingdom of *England*, to the Effect following.

'My Lord Ambaſſador of *Spain* finding himſelf 'oblig'd, by expreſs Order, to repreſent to His 'Majeſty of *Brittain* what follows, Prays Mr. *Vernon* to repreſent to his ſaid Majeſty, That the 'King his Maſter, being informed from ſeveral 'parts, and laſt of all, by the Governour of *Havana*, of the Inſult and Attempt of ſome *Scots* 'Ships, equipt with Men and Ammunition neceſſary, who endeavours to poſt themſelves in the 'Soverign Dominions of His Majeſty in *America*, 'and particularly in the *P*rovince of *Darien*.

'His Majeſty received this Information with 'Diſſatisfaction, as a Mark of little Amity, and 'a *R*upture of the Alliance which is betwixt the 'two Crowns, which His Majeſty hath always 'obſerved very Religiouſly, and from which ſo 'much Advantage and Profit hath reſulted, both 'to His Majeſty and his Subjects, after which 'good Correſpondence, His Majeſty did not ex-

'pect

'ſpect ſuch ſudden Attempts & Inſults from His 'Majeſtys Subjects, and that in time of Peace, 'without any Pretext or Cauſe, in the moſt in'ward part of his Dominions.

'All that the King deſires, That this be preſent'ed to His Majeſty of *Brittain*, and that His Ma'jeſty is very ſenſible of ſuch Hoſtilities and Un'juſt Procedures, againſt which, His Majeſty will 'take ſuch Meaſures as are convenient. *London*, '*May* 3*d*. 1699.

THe Charge is great, and if it can be made appear, that the King of *Spain* is Invaded, as is pretended, it is but Reaſon there ſhould be juſt Reparation.

It muſt be acknowledged, That it is a fair way of dealing, that the *Spaniſh* Rights and Pretenſions are thus aſſerted by Memorial, and an Opportunity afforded, and that the whole World may be ſatisfied, that His Sacred Majeſty, the King of *Great Brittain*, hath granted no Patent to His Subjects in *Scotland* diſagreeable to Treaties with *Spain*, and that the *Scots* Company have not exceeded the Limits of their Patent, to the prejudice of *Spain*.

There may be many Reaſons offered to ſatiſfy *Spain*, and all other Nations of *Europe*, except the *French*, that if the *Scots* had not ſettled in that *Iſthmus*, or if they were now to remove from it, the ſame would be poſſeſs'd by another People, more dangerous to the Intereſt of *Spain*, and in due time it may be made appear, that the *Scots* Settlement is for the Honour of the King, & the Intereſt of *England*, but the preſent deſign is only to ſatisfie the World, that the Patent granted by His Majeſty, was agreeable to the Treaty with

Spain, and that the *Scots* Company have not exceeded the Terms of their Patent, and that they have Right to what they poſſeſs in the *Iſthmus* of *Darien*, according to the Law of Nations, and that moſt part of the Nations in *Europe* have ſettled Plantations in the *American* Iſlands, or Continent, upon no other Foundation than the *Scots*.

It is the Intereſt and Policy of all Governments, to improve the Natural Product of a Countrey, and to encourage Forreign Trade.

The Experience of all Nations makes appear, That nothing contributes ſo effectually to theſe ends, as Forreign Plantations.

Scotland is amongſt the laſt of the Nations of *Europe*, in ſettling Forreign Plantations, tho' there be few that can propoſe more Advantage that way, becauſe the Nation affords many Subjects of Manufacture, and abounds in Men, which is the greateſt Riches, as well as the Strength of a Nation; Yet for want of Forreign Plantations, many have been uſeleſs and burdenſome to their Native Countrey, and have been conſtrained to ſerve Abroad in Forreign Wars, or into Plantations of other Countreys: And it is to be obſerved, that wherever they have planted, they have encreaſed and multiplied, as particularly in *Ireland*, but no part of the Benefit does accrue to their Native Countrey.

The Nation has very long deſired Forreign Settlements of their own, and did make ſome Attempts that way, which proved ineffectual for want of due Encouragement, but His Sacred Majeſty, as Father of his Countrey, regarding the Welfare of it, did endue the ſame with ſuteable Encouragements by the 32*d. Act, Par.* 1693. and by the 8*th. Act, Par.* 1695. Yet both theſe Laws were granted with a due regard to all former Planters; "And did only allow them to plant "Colonies, build Cities, Towns, and Forts in "*Aſia*, *Africa*, and *America*, upon Places not inhabited, or in, or upon any other Place, by "Conſent of the Natives, or Inhabitants thereof, and not poſſeſſed by any *European* Sovereign, Potentate, Prince or State.

By theſe Acts of Parliament, and Patent conform, His Majeſty did ſufficiently provide, that the Poſſeſſion of no *European* Prince ſhould be invaded or moleſted: And if *Spain* be injured, the Company muſt acknowledge, that the Injury flows from them, by exceeding the Limits of their Patent.

It remains to be cleared in behalf of the Company, that they have ſtrictly obſerved the Rules preſcrib'd by the ſaid Acts and Patent.

The King of *Spain*'s Title to *America* by the Pope's Bull, is rejected by the common Conſent of all the Princes and States in *Europe*, who could not have ſettled there without Injury to *Spain*, if the Pope's Bull had been a ſufficient Title; and neither *Spain* or *Portugal* hath relyed upon that Title, the one having planted in the *Eaſt-Indies*, and the other in the *Weſt*, without regard to it: And this Title is ſufficiently diſcuſſed by *Grotius* in his *Mare Liberum*, *Cap.* 3. and will never be inſiſted on any where, and leaſt of all in *Brittain*.

America being inhabited by Natives, before *Spain* or any *European* People ſettled there, it is moſt certain, that the Right and Property did originally belong to theſe Natives, becauſe the Earth was created for, and freely given by the Creator to the Children of Men, and the moſt Ancient and Uncontraverted Right of Property of the Earth is by Occupation and Poſſeſſion, which is an outward Act of the Body *quaſi poſitio pedis*, and not an inward Act of the Mind, which cannot be known to others, beſide many Mens wills might concur in wiſhing and liking the ſame thing, but their Bodies cannot concur in poſſeſſing it, and an outward Act of Poſſeſſion warns others to abſtain.

The Property that originally belonged to the Natives, could only be transferred from them to *Spain* by Conqueſt or Conſent, and *Spain* can pretend neither of theſe Titles to the *Iſthmus* where the *Scots* have ſettled.

It is alledg'd for *Spain*, That they do poſſeſs the *Iſthmus* of *Darien*, in as far as they are undoubted Maſters of the Bay of *Panama*, and the whole Coaſt of the *Iſthmus* upon the South Sea: They have likewiſe *Carthagena* and *Portobello* on the North Sea, and they are Maſters of the whole Countrey betwixt *Carthagena* and *Portobello*, and ſo muſt be reckoned Poſſeſſors of all, becauſe Poſſeſſion doth not require the particular Occupation of every part of a Countrey, but Occupation of one part is a ſufficient Act to demonſtrate the Will and Intention to poſſeſs the whole Pertinents: And the *Spaniards* having poſſeſs'd theſe two Extremes, the middle Space belongs to them, eſpecially ſeing they have alſo ſettled in other Places betwixt theſe two, as their Conveniency did require, tho' they did afterwards quite theſe Poſſeſſions, as particularly they once poſſeſſed *Nombre de Dios*, and did alſo plant within the River *Darien*, and tho' they did quite theſe Poſſeſſions, they did not relinquiſh or repudiate their Right, but being better informed, they chooſed more convenient Seats, but ſtill reckoned themſelves Proprietors of the whole *Iſthmus*, and divided the ſame in ſeveral Juriſdictions. And the Natives upon that *Iſthmus* were a mean inconſiderable People not to be regarded, who could not be thought to retain any Right or Property in Oppoſition to the Power of *Spain*.

They further add, That *Spain* hath been conſidered as undoubted Proprietors of the Bay of *Mexico*, and of that *Iſthmus*, by other Nations in Chriſtendom, and moſt particularly by the *Engliſh*, as is well known, and will clearly appear in two remarkable Inſtances.

Several *Engliſh* Merchants having advanc'd their Stock, for ſettling a Plantation at *Port-Royal* in the Bottom of the Bay of *Campechay*, for cutting of Logwood, they deſired the Countenance and Protection of the Government, for carrying on this profitable Trade: The Caſe was conſidered by the Council of *England*, and it was not found juſt, to allow the Protection of the Government, but were only left in a Permiſſive State, to manage their Trade upon their Peril.

The Second Caſe, which comes cloſer to the preſent Queſtion, was a Propoſal by certain *Engliſh* Undertakers to ſettle in *Darien*, as the *Scots* have done, which being brought to the Council of Trade of *England*, and by them laid before the Lords Juſtices in His Majeſties Abſence, and tranſmitted to the King himſelf; Upon a full Conſideration of the Caſe, that Project was thought to be an Encroachment upon *Spain*, and let fall.

The King himſelf, and Council of *England*, being ſatisfied of the Right of *Spain*, in theſe particular Caſes of *Engliſh* Undertakers, the ſame Judgment ought to follow, in relation to the *Scots* Company.

To all that is alledged, it's ſhortly and clearly Anſwered, That *Spain* hath neither Right by Treaties nor Poſſeſſion to the Countrey now poſſeſs'd by the *Scots*: And, 1*ſt*. Tho' it be acknowledg'd, that the *Spaniards* have more Strength, and larger Poſſeſſions on the South, than upon the North Sea, yet no Poſſeſſion there can be extended to the North-ſide of the *Iſthmus*, being poſſeſs'd by a People Independent, who never received the *Spaniards*, or became ſubject to them: The *Spaniards* indeed have made great Settlements upon the South Sea, and in ſo far as they have poſſeſs'd, have reſtricted the Natives to narrower Bounds; but the *Indians* ſtill continuing to poſſeſs what remains, Poſſeſſion on the Coaſt, or the Mouths of Rivers on the South Sea, can never be extended to the North Coaſt: And the *Spaniard* can condeſcend upon no Ground in Law or Reaſon for ſuch an Extenſion, nor can they make appear, that what the *Scots* poſſeſs is Part and Pertinent of their Plantation, eſpecially conſidering that the *Iſthmus* of *Darien* is naturally divided by a Ridge of high Hills running from Eaſt to Weſt.

Neither doth the poſſeſſion of *Carthagena* and *Porto-bello*, give Right to the interveening Countrey, which is above 80 Leagues or 240 *Engliſh* Miles, and theſe particular Forts, as well as the whole *Spaniſh* Plantations on the South Sea, being fixt without conſent of the Natives, who continue their *Poſſeſſion* in the interveening Countrey, without any Subjection to, or acknowledgment of the *Spaniard*: It lyes upon the *Spaniards* to condeſcend by what Rule, the Limits of theſe Poſſeſſions can be ſo far extended.

As to what is alledged, That the *Spaniards* have other Plantations nearer to the *Scots* Settlement from which they removed, but ſtill retain Poſſeſſion and Juriſdiction.

It is Anſwered, Admitting the matter of Fact as alledged, it comes to nothing; For ſtill it is to be remembred, That the *Spaniard* will not pretend to have planted with the conſent of the Natives: Nor, that the *Darien Indians* have ever acknowledg'd Subjection; but they planted by Force and Violence: And therefore, whatever Forts they made in the *Iſthmus* of *Darien*, the moment that theſe Plantations were left, the Right and Poſſeſſion of the Natives did return.

It is freely acknowledged, That Poſſeſſion lawfully obtain'd by an outward Act of the Body, is retain'd by Acts of the Mind, if no other poſſeſs; but when Poſſeſsion is taken by way of Fact, and not actually detained, the Right and Poſſeſsion returns to the lawful Proprietor.

2. This alledged Poſſeſsion of *Nombre de Dios*, and in the *River of Darien*, is only pretended to have been at their firſt Settlement in *America*, before they poſſeſs'd *Carthagena* and *Porto bello*.

3. None of theſe pretended Settlements are within 20 Leagues of the *Scots* Colony; And tho *Spain* had yet Plantations there, the Limits could as little be extended to 20 Leagues beyond the actual Poſſeſsion as to a Thouſand: Neither can the *Spaniards* prove any Act of Juriſdiction over the *Darien Indians*, whatever Title they may think fit to give to Governours or Vice-Roy's in *America*, the *Scots* do neither know, nor are oblig'd to notice the ſame: If Titles were enough, the King of *Spain* aſſumes a Glorious Title of *Indiarum Rex*, but he has no more Juriſdiction over the *Darien Indians*, than in the Plantations of any other *European* Prince.

As to what is alledg'd upon the Opinions given by the King and Council of *England*, in relation to His Majeſty's *Engliſh* Subjects projecting Settlements in *America*, The Circumſtances of the Projects, and the Motives of any Reſolution taken in them, are wholly unknown to the *Scots*, and nothing can be founded on ſuch Matters of Fact, unleſs the whole Circumſtances were Authentically inſtructed or acknowledg'd, but whatever was thought proper in theſe Caſes, nothing can be inferred from thence to determine this.

A Project is to be regulated either by Law or by Conveniency; And it's very ordinary and ſuteable, That his Majeſty and the Government may diſcourage the Project of an Undertaking, if not Convenient, tho lawful: But when a Project is Undertaken, Carried on, and a Settlement made in purſuance of expreſs Acts of Parliament, and conform to a Patent, there's no more place to Deliberate what is fit, but what is Lawful.

If the whole Circumſtances were known, many Diſparities might alſo appear, and from the bare relation of the Caſe of the intended Settlement in the Bay of *Campechay* a manifeſt Diſparity is evident.

The Bay of *Campechay* is in the Province of *Nicaragua*, in the Dioceſs of *Chiapo*, which Province and Biſhoprick, are part of the Ancient Empire of *Mexico*, which was conquered by *Spain*.

By the Conqueſt of *Mexico*, the King of *Spain* as Conquerour, had Right of Sovereignty as far as the Dominions of *Mexico* did extend, and the Right and Poſſeſſion of the Conquered People may reaſonably be reckoned to become the Poſſeſſion of the Conquerour; And therefore a Settlement in *Nicaragua* or Bay of *Campechay* might be reckoned a down Right Encroachment upon *Spain*, which cannot be drawn in Conſequence to a Settlement upon *Darien*, becauſe the *Spaniards* can condeſcend upon no Title or Right beyond their actual Poſſeſsion ; for the *Dariens* were never ſubdued, nor did they ever depend upon *Mexico* or *Peru*, or any Prince or People ſubdued by the *Spanirds.*

And further, whatever be urged from theſe Caſes, yet it can be made appear, That the Undertaking to ſettle in *Campechay* was effectual, and the Cart is marked *Port-Royal Engliſh-Colony* ; and 'tis known that the *Engliſh* cutt Logwood at *Cape-Catach* in *Jucatan* till the Charge of Carriage render'd it unprofitable,and thereafter Settled at *Port-Royal* for the ſame Effect, where there is plenty of Logwood appropriated to the *Engliſh.*

It is alſo acknowledg'd, That the *Darien-Indians* are no powerful People, or able by themſelves to reſiſt the Impreſsions of *Spain*, but the point of Right and Property is the ſame in Rich and Poor, Strong and Weak, and they might lawfully transfer their Right, and aſſume the *Scots* or any other Nation to ſupport or maintain the Right and Poſſeſsion of that *Iſthmus*, in as far as it was free from the *Spaniſh* Dominions.

Yet the *Dariens* were not wholly neglected by the *Spaniards* as inconſiderable, for there have been frequent and almoſt conſtant Wars between them and *Spain*, in which the ſeveral Captains and *Carriques* have joyned together, and there is a famous Caſe of *Barth: Sharp*, who being accuſed in *England* as guilty of Piracy and Robbery committed upon the *Indians*,he defended himſelf as acting by Commiſsion from Independent Native *Indians* then at War with *Spain*, and was acquitted.

The Right of the *Scots* Colony, as flowing from the Native *Indians*, is already ſufficiently cleared, according to the moſt Ancient and Authentick Laws of Property, acknowledg'd by all Nations: And for a further Evidence and Demonſtration of what has been aſſerted, and already ſufficiently proven the Settlement of the *Engliſh*, *French*, *Danes*, *Portugueſes*, and *Dutch*, will all be found to be Bottomed on the ſame Ground.

The *Spaniſh* are the moſt Ancient Planters, and if *Spain* pretend to any Univerſal Title, either by Occupation of a part, or by the Popes Gift, or any other Right, he thereby excludes the Claim of all Poſterior Planters, either in the Continent, or *American* Iſlands, which could not be thought to be ſeparate and indifferent Dominions: And if *Spain* recede from any Univerſal Title to the whole, it will not be poſsible to extend his Claim beyond his proper Poſſeſsion, or the Poſſeſsions of theſe that are Subduced and Conquered by *Spain*: And if this be called in Queſtion, it is expected, That ſome other Title will be condeſcended upon, that may clear the Limits and Extent of the *Spaniſh* Colonies, ſo as to make a Difference betwixt the *Scots* Settlement in *Darien*, and the Settlement of other Princes in the *American* Iſlands or Continent.

The Empires of *Mexico* and *Peru* are known, and may be yielded to *Spain*, but the remainder of that vaſt Countrey was anciently poſſeſs'd by little Princes, or rather Captains or Heads of Families or Cariques, who have no Dependance upon each other, nor upon any Prince or Potentate, but by Leagues and Agreement for mutual Defence. Thus it is known, That the Land of the *Amazons* was poſſeſs'd by the Natives; And it is remarkable, That upon the Banks of *Amazon*, there are Fifty different Nations: So it is in *Braſil*, in *Chili*, *Paragua*, *Florida*, *Carolina*, *Virginia*, and generally over all the Continent, as well as in the Iſlands of *America*, and likewiſe in *Aſia* and *Africa*: And therefore, *European* Princes have planted promiſcuouſly, as they found Conveniency, without Injury or Encroachment upon former Planters.

The *Engliſh* poſſeſs the Continent from *New-England* to *Carolina*, without the Interpoſition of Colonies belonging to any *European* Prince, yet the *Dutch*, in time of Peace, ſet down upon *Long-Iſland*, and the Countrey now called *New-York*, betwixt *New-England* and *Penſilvania*, and continued to poſſeſs till the end of the War 1667: At which time, *New-York* was exchanged for *Suranam*.

The *Spaniſh* Plate-Fleet do neceſſarly paſs betwixt *Cape-Florida* and the *Bahaman-Iſlands*, yet the *Engliſh* poſſeſs theſe Iſlands, which the *Spaniards* did mightily reſent, and uſed the *Engliſh* very barbarouſly upon it, yet *Spain* not being able to juſtify any unlawful Title, the *Engliſh* did maintain their Poſſeſſion.

Whatever be alledg'd, That the Government did not interpoſe for eſtabliſhing a Logwood-Trade, yet it's certain, that the *Engliſh* did appropriate the Logwood at *Cape-Catch* in *Jucatan*, till it was exhauſted, and they afterwards ſettled at *Port-Royal* in the Bay of *Campechay*, for carrying on the ſame Trade, which was never queſtion'd by the *Spaniards*.

The *French* have ſeveral times endeavoured to ſettle in the River *de Spiritu Sancto* in the Bay of *Mexico*, and alſo the *Samballo-Iſlands* upon the Coaſt of *Darien*, and have actually ſettled a Colony in

Petit-Guavis in *Hiſpaniola*, the reſt of that Iſland being poſſeſt by the *Spaniards*: The *French* have alſo a Settlement in *Guiana* in the *Terra-Firma*, and ſeveral Forts upon the Coaſt of *Caribana*, and above twelve or thirteen *American* Iſlands.

The *Dutch* have alſo the City of *Coro* in the North of *Terra-Firma*, and *Suranam*, and certain Forts upon the Coaſt of *Guiana* and *Curaſao*, and ſeveral *American* Iſlands.

The *Portugueſe* have the Coaſt of *Braſil* divided into many Captainſhips. The Intereſt of *Spain* was ever oppoſit to all theſe Settlements in *America*, and wherever they were ſtrong enough, they attempted to expel the Planters, without regard to Peace or War, whereof the *Scots* did formerly feel the Effects, in their Plantation at *Carolina* holden of the Crown of *England*, from whence they were expelled: Theſe things were done by way of Fact, but it is the firſt time that ever *Spain* did openly pretend a Right beyond actual Poſſeſſion, which was never ſuſtained by any *European* Prince. And it is deſired and expected, that there may be a further Condeſcendance of the Right and Title of *Spain*, to exclude other Planters by the Conſent of the Natives, where *Spain* hath no actual Poſſeſſion, or Exerciſe of any Juriſdiction.

It is further alledged for *Spain*, That all the Buſineſs in *America* was ſettled by the Pacification 1670, betwixt the Kings of *Brittain* and *Spain*, which did confirm all the Plantations poſſeſs'd by *Engliſh* Colonies, and left the Remainder of *America* to *Spain*, and whatever happened before that General Treaty, could be no Rule thereafter, becauſe there was almoſt perpetual War with *Spain* in *America*, which were never ſettled or compoſed till the Treaty 1670, which did preſuppoſe and eſtabliſh the Right of *Spain* to all that was not poſſeſſed by the King of *Brittain*'s Subjects.

As to the Inſtance of *Sharp*, it is not denyed that he was acquitted, and amongſt others did propone that Defence, That he Acted by Commiſſion from an *Indian* Prince; but that Defence was look'd upon as a Jeſt, and it was not for that Reaſon that he was acquitted.

It is Anſwered, There was indeed a Treaty in the Year 1670, concerning *America* in particular, whereby it was provided, " That the King of " *Brittain* ſhould have, hold and enjoy for ever, " with full Right of Sovereignty, Dominion and " Property, all thoſe Lands, Regions, Iſlands, " Colonies, and Places whatſoever ſituated in the " *Weſt-Indies*, or any part of *America*, which the " ſaid King and his Subjects did then hold and " poſſeſs; From which Article the *Spaniards* would infer, that all the reſt of *America* was loſt by the King of *Brittain*, as a Right and Dominion of *Spain*, becauſe that *Spain* ratifies the Poſſeſſion obtained by the King of *Brittain*, and there is not a mutual Ratification of the Poſſeſſion of the King of *Spain*.

This Article can bear no ſuch Inference, for,

1. The King of *Brittain* and his Subjects did not then, nor do they now in the leaſt queſtion the Poſſeſſions of the King of *Spain* and his Subjects, but the King of *Spain* did very much queſtion the Right of the King of *Brittain* to ſeveral of his *American* Plantations, not only upon the general Ground of an Univerſal Title to all the *Weſt-Indies*, which no *European* Prince will bear, but likewiſe upon particular Claims, that the *Engliſh* had beat out the *Spaniards*, and enjoyed what had been once poſſeſs'd by them in ſeveral places: And the

former Treaties with *Spain* eſpecialy that in the Year 1667,were only general,eſtabliſhing a perpetual Peace betwixt the Dominions and Teritories of *Brittain* and theſe of *Spain* : But the Queſtion remaining anent the Right and Dominion of theſe *American* Settlements to which the King of *Spain* did lay ſtill a Claim, The Treaty 1670,did renounce his Claim to the Colonies in the *Engliſh* Poſſeſsion, but did determine nothing as to thoſe parts of *America*, which were never Poſſeſs'd by the *Spaniard* or *Brittiſh*, and if it had been intended, that the Right of *Spain* to all *America* that was not poſſeſs'd by ſome other *European* Prince ſhould be aſſerted, and declared the ſame would not have been left to ſuch remote conjectures, but would have been ſpecially expreſs'd.

2. The whole Tenor of that Treaty does ſufficiently clear, that no ſuch thing was intended as to preſuppoſe, much leſs to aſſert the Right of *Spain* beyond actual poſſeſſion. For by the Second Article of the Treaty,it is provided, " That
" there be an Univerſal Peace in *America*, as in o-
" ther parts of the World between the Kings of
" Great Brittain and *Spain*,and between the King-
" doms, States, Plantations, Colonies, Forts,
" Cities, Iſlands and Dominions belonging to
" either of them ; and between the People and
" Inhabitants under their reſpective Obedience.

This Article in the Treaty relating to *America*, only doth clearly demonſtrate, that both Kings were ſet upon an equal foot, and did Treat for themſelves and the People and Inhabitants under their reſpective Obedience, and no further ; ſo that all matters were left untouched that did concern parts not Inhabited or poſſeſs'd by Natives, who were never under obedience to either Prince, nor would the Treaty have been for Plantations, Colonies, Forts, *&c.* equally and mutually, if either King had pretended an univerſal Title or Right beyond Poſſeſsion.

3. The Eight Article doth yet further clear, that the King of *Spain* had no Univerſal Claim, but according to his Poſſeſsion, which Article provides, that the Subjects, Inhabitants and Mariners of the Dominions of each Confederate, ſhall forbear to Sail to, or Trade in the Ports and Havens which are fortified with Caſtles, Magazines or Ware-Houſes, and in all other Places whatſoever, poſſeſs'd by the other Party in the Weſt *Indies.* To wit, the Subjects of Brittain ſhall not Sail into and Trade in the Havens and Places, which the Catholick King holds in the *Indies*, nor in like manner ſhall the Subjects of the King of *Spain* Sail into, *&c.*

This Clauſe is plainly reſtrictive upon the King of *Spain*, That the Subjects of the King of *Brittain* ſhall not Trade into theſe places of the *Indies* which belong to *Spain*;for thereby it preſuppoſes that *Spain* has no Univerſal Title, and its left free to the King of *Brittains* Subjects to Sail into, and Trade in all Ports and Havens which have no Fortifications, Caſtles, Magazines, or Ware-Houſes Poſſeſs'd by the King of *Spain*, and conſequently it was lawful to have Sailed to, and Traded with the *Darien Indians* where the King of *Spain* had no Fortifications, Caſtles, Magazines or Ware-Houſes, nor can clear any manner of Poſleſsion, and if they might Trade with the *Indians* it muſt be acknowledg'd they might Settle among them.

" It's alſo provided by the Tenth Article, " that in caſe the Ships of either Party be forced

" by ſtreſs of Weather, or otherwiſe into the Ri-
" vers, Creeks, Bays or Ports belonging to the
" other in *America*, they ſhall be treated there
" with all Humanity and Kindneſs ; Which Article ſtates both Kings again upon an equal foot, and mentions the Right of both as reſtrictive to particular Rivers, Creeks, Bays, *&c.* in *America* as if neither Party claimed Univerſal Title over all.

" The 15*th.* Article of the ſaid Treaty pro-
" vides, that the ſame ſhall in nothing derogate
" from any prehemmency, Right or Dominion of
" any Confederate in the *American* Seas, Chan-
" nels or Waters, but that they have and retain
" the ſame in as full and ample manner as may
" of right belong unto them, providing al-
" ways that the Liberty of Navigation ought in
" no manner to be diſturbed.

This Artiele relates to certain Preheminencies and Priviledges claim'd by *Spain* in the *American* Sea, which by the Treaty was not yeilded, but left in the ſame ſtate as formerly; and if the King of *Spain* had pretended to an Univerſal Right over all *America*, in ſo far as is not poſſeſs'd by other *European* Princes, why was he more carefull to preſerve his Claim of Sovereignty in the Seas, and forgot his Dominion upon the main Land ? There can be no other reaſon for it, but becauſe there was no ſuch thing in proſpect, as appears by the whole Tenor of the Treaty.

Nothing hath been alledged in behalf of *Spain* to make any diſparity betwixt all the Settlements that have been made in *America* by the Subjects of the King of *Brittain* or other Princes, except the Treaty 1670: Which when duly conſidered, makes no diſparity at all. For albeit the

Poſſeſsion of the King of *Brittains* Subjects be thereby confirmed; yet it will not be acknowledg'd by the King of Great *Brittain*, or any other Prince that the Settlements made by their Subjects were illegal or violent, untill confirmed by the King of *Spain*, and all Nations who have Planted there muſt ſuſtain and juſtify the *Scots* Settlement, or acknowledge that the Settlement of their own Subjects were injurious to the Right of *Spain*.

It is not, nor can be denyed, that the *Dariens* have been at frequent War with *Spain*, altho' they pretend, that the *Dariens* were rather Rebels than Enemies. That is only for to beg the Queſtion, for the Natives having the Ancient undoubted Right, it muſt be inſtructed, that they became Subjects before they could be Rebels.

And tho' it be alledged, that what was done in *Sharp*'s Caſe was reckoned a Jeſt, and that he was not acquitted upon that ground, as acting by Commiſsion from the *Dariens*; yet the matter of Fact is certain and known, and was indeed remarked by all *England*, that *Sharp* join'd with the *Dariens*, did commit acts of Hoſtility and carried away great booty from the *Spaniards*, and was purſued for Reſtitution in *England*, and did propone a Defence. That he acted by Commiſsion from an Independent People, and was acquitted by a competent Judicature in *England*.

Theſe matters of Fact being all acknowledged, it muſt be thought that a Deciſion in the way of Juſtice was no Jeſt, but according to the Law of the Nation.

To Conclude and Sum up the whole Matter, The *Scots* did not move one foot, untill they obtain'd two Acts of Parliament, and a Patent in their favours. Theſe Acts (tho' very ample) were framed with a juſt regard to former Planters, who by the expreſs Tenor of the ſaid Laws were not to be invaded or moleſted in their Poſſeſſion; even the juſt Right and Property of the Infidel Natives was conſidered, and the Undertakers not allowed to diſpoſſeſs them by Force and Violence, but to Plant with their conſent: Upon the faith of theſe Laws, a greater Stock was advanced in *Scotland* than ever was raiſed by any other Nation, upon the firſt project of a Forreign Plantation; the Directors of the Company did very narrowly and exactly conſider all the Treaties with *Spain*, and pitched upon a place, that the whole World conſiders to be of a great value for founding and raiſing a profitable Trade to the Honour of the King who (as the Father of the Countrey) did endue them with ample and juſt Priviledges,to the encreaſe of the Strength and Riches of the Iſle of *Brittain*, which is all under the Government of one Monarch, of one Religion and Intereſt, and can have no different Friends or Enemies without endangering the whole. In one word, The *Scots* Company have acted deliberatly, for advantage to themſelves, the Nation, and the Iſle of *Brittain*; they have only uſed their own Right and have wronged no Nation or People, nor exceeded the Limits of their Patent in any circumſtance. And if any will ſtand up for the Intereſt of *Spain*, and call in queſtion the matters of Fact and principles of Law above aſſerted, which are generally known and need not to be confirmed by particular Citations. they may aſſuredly expect that what has been affirmed ſhall be made further clear and evident beyond contradiction, and whatever Obſtacles or Difficulties have, or may fall in, *Ardua quæ Pulchra*, the undertaking was deliberate, juſt for the intereſt of the Nation, and with more regard to the Right of former Planters and Natives than any former Project of that Nature.

Memorandum, *That about this time, it was given out that the* Spaniſh *Embaſſador had preſented a* Second *Memorial concerning the* Scots *Settlement at* Darien; *and that the* French *Embaſſador had likewiſe given in a Memorial to the Court of* England *concerning the* French *Ship which was caſt away near* Caledonia *Harbour: But whether ſo or not, the Company could never procure a Copy of either.*

The Council of *Caledonia's* Addreſs

To the King's moſt Excellent Majeſty.

Moſt Gracions Sovereign;

WE your Loyal and Obedient Subjects, the Council of your Colony of *Caledonia*, being ſettled purſuant to Powers and Immunities proceeding from your Royal Favour and Goodneſs; where, upon our arrival, the Natives on all hands in complyance with former Agreements, received and entertained us with all poſſible demonſtration of joy and ſatisfaction, there being no Poſſeſſion, nor ſo much as pretended poſſeſſion, for any Prince or State in *Europe* upon this whole Coaſt, extending it ſelf conſiderably more than one hundred Leagues together. We found the *Indians* on all ſides in open War with the *Spaniards*, their neareſt Neighbours: Againſt whom they beſought our Aſſiſtance, which we could by no means comply with, by reaſon of the preſent Peace and good Underſtanding between your Majeſty and the King of *Spain*.

Yet notwithſtanding this our juſt and peaceable deportment and inclination, and our certifying the ſame by Letters to the two neighbouring Governours of *Panama* and *Carthagena*; We have, to our no ſmall ſurprize, received certain Information, that ſeveral great and warlike Deſigns and Preparations are on foot, and carrying on by the *Spaniards* againſt this Colony; and that contrary to all Juſtice and Humanity, as well as the Treaties of Peace between your Majeſty and the Catholick King, they now unjuſtly detain, and refuſe to deliver up the Perſons and Goods that were ſaved of a Ship belonging to this Colony, called the *Dolphin*, which by misfortune of ſpringing a Leak, was not long ſince oblig'd to run aſhore and ſuffer Shipwreck near the City of *Carthagena* All which have been no ſmall inducement for us to have improved the frequent opportunities we have had of taking Meaſures greatly diſadvantagious to the Crown of *Spain*: Yet in order to avoid, as much as poſſible, any thing that might look like a publick Breach, untill the ſame were laid before your Majeſty, and your Royal pleaſure known therein: We have hitherto proceeded no further, than the granting of Letters of Repriſals for the People and Effects unjuſtly detained from us.

Great Sir, The *Indies* as well as *Europe*, do at this time implore your Protection: And as the effectual opening the Door of Commerce to the trading World, and of more eaſy acceſs to and correſpondence with the ends of the Earth, hath been hitherto hidden and reſerved by the *Divine Hand*, for one of the ſingular Glories of your Majeſty's Reign. So it's with no ſmall ſatisfaction to be any way concern'd in ſo hopeful an Acceſſion to the Dominions and Greatneſs of your Majeſty, and Wealth of your People; That we preſume to lay our ſelves, our Caſe, and this valuable Opportunity at your Royal Feet, moſt humbly beſeeching, that as it had its beginning, ſo it may continue to have its Being and Support from the happy Influences of your peculiar Bounty and Grace.

So with our earneſt Prayers to *Almighty God* for the long and happy preſervation of your Royal Perſon, and continuance of your Glorious Reign, and moſt humble tender of our Lives and Fortunes to your Majeſty's Service and Diſpoſition. We beg leave to Subſcribe our ſelves,

Moſt Gracious Soveraign,

Your Majeſty's moſt Loyal, moſt Dutiful, and moſt Obedient Subjects and Servants,

Daniel Mackay,
Robert Pennicuik.
William Paterſon,
Colin Campbell,
Samuel Vetch,
Charles Forbes,
Thomas Drummond.

This Addreſs was delivered to the Secretaries of State about the middle of September, *together with a Memorial concerning the* French *Ship commanded by Cap.* Duvivier Thomas, *which was Shipwrack'd near* Caledonia, *Harbour on the* 24th *of* December 1698.

By the Honourable Sir William Beeſton *Kt. His Majeſty's Lieutenant Governour and Commander in Chief, in, and over this his Iſland of* Jamaica, *and other the Territories depending thereon in* America, *and Vice-Admiral of the ſame.*

A PROCLAMATION.

WHereas I have received Commands from his Majeſty, by the Right Honourable *James Vernon* Eſq; one of his Majeſty's Principal Secretaries of State, ſignifying to me, that his Majeſty is unacquainted with the Intenſions and Deſigns of the *Scots* ſettling at *Darien*: And that it is contrary to the Peace entred into with his Majeſty's Allies; and therefore has commanded me, that no Aſſiſtance be given them. Theſe are therefore in his Majeſty's Name, and by Command, ſtrictly to command his Majeſty's Subjects whatſoever, that they do not preſume, on any pretence whatſoever, to hold any Correſpondence with the ſaid *Scots*, nor to give them any Aſſiſtance of Arms, Ammunition, Proviſions, or any other Neceſſaries whatſoever, either by themſelves or any other for them; or by any of their Veſſels, or of the *Engliſh* Nation, as they will anſwer the Contempt of his Majeſty's Command to the contrary, at their utmoſt peril. Given under my Hand and Seal of Arms this 8*th*. day of *April* 1699. And in the 11*th*. Year of our Soveraign Lord

William the Third of *England*, *Scotland*, *France* and *Ireland* King, and of *Jamaica* Lord, Defender of the Faith, *&c.*

WILLIAM BEESTON.

Barbados. By his EXCELLENCY.

A PROCLAMATION.

WHereas his Majeſty has been pleaſed to ſignify his pleaſure to me by Mr. Secretary *Vernon*, that he hath been advertiſed, that ſeveral Ships of Force, fitted out of *Scotland*, were arrived at the Iſland of St. *Thomas* with an Intention (as they declared) to ſettle themſelves in ſome part of *America*: Their Deſign being unknown to his Majeſty, and leaſt the ſame ſhould derogate from the Treaties his Majeſty hath entered into with the Crown of *Spain*, or be otherwiſe prejudicial to any of his Majeſty's Colonies in the *Weſt-Indies*.

Theſe are therefore in his Majeſty's Name, by and with the Advice and Conſent of the Council, ſtrictly to command all his Majeſty's Subjects, inhabiting within this Iſland, that they forbear holding any Correſpondence with, or giving any Aſſiſtance to any of the ſaid Perſons: And that no Proviſions, Arms, or other Neceſſaries whatſoever be carried to them, as they ſhall anſwer the ſame at their peril.

Given under my Hand this 13*th* of *April* 1699, and in the Eleventh Year of his Majeſty's Reign.

R. GRAY.

By his Excellency Richard *Earl of* Bellomont, *Captain General and Governour in chief of his Majeſty's Province of* New-York, *and Territories depending thereon in* America, *and Vice-Admiral of the ſame.*

A PROCLAMATION.

WHEREAS his moſt excellent Majeſty hath received Advice, That ſeveral Ships of Force fitted out of *Scotland*, were deſigned to ſettle themſelves in ſome parts of *America*, and leſt the ſame ſhould derogate from the Treaties his Majeſty hath entred into with the Crown of *Spain*, or be otherwiſe prejudicial to any of his Majeſty's Colonies in *America*, his Majeſty has been pleaſed to ſignify his Royal pleaſure to me, That I ſhould ſtrictly forbid all his Majeſty's Subjects, or others, inhabiting within the Diſtricts of my Government, that they forbear holding any Correſpondence with, or giving any Aſſiſtance to any of the ſaid Perſons, while they are engaged in the aforeſaid Enterprize; and that no Proviſions, Arms, Ammunition, or other Neceſſaries whatſoever, be carried from hence to them, nor be permitted to be carried, either in their own Veſſels, or any other Ship or Veſſel for their Uſe. In purſuance of his Majeſty's ſaid Royal Will and Pleaſure, I have thought fit, by and with the Advice of his Majeſty's Council of this Province, to publiſh and declare his Majeſty's Pleaſure, and by theſe preſents do ſtrictly charge and command all and every one of his Majeſty's Subjects, and others within this Province and Territories depending thereon in *America*, That they forbear holding any Correſpondence with, or giving any Aſſiſtance to ſuch Perſon or Perſons, who have been fitted out of *Scotland* in manner aforeſaid, & are ſaid to have ſettled in a certain place, which they have called *Caledonia*, That no Proviſion, Arms, Ammunition, or other neceſſaries whatſoever, be carried either in their own Veſſels, or in any other Ship or Veſſel for their uſe, from this Province, or any part thereof. And his Majeſty's Collector and Receiver General, and all other Officers of his Majeſty's Cuſtom-Houſe, are hereby required to take notice hereof accordingly.

And I do further ſtrictly charge, command, and forbid (by and with the conſent of his Majeſty's Council, as aforeſaid (all his Majeſty's ſaid Subjects, and others within this Province, that they neither by themſelves, nor by any other Perſons authorized by them, contrary to his Majeſty's Royal Pleaſure as aforeſaid, hold any Correſpondence, or give any Aſſiſtance, or enter into any Traffick or Commerce with ſuch perſons as are ſaid to be ſettled in *Caledonia* aforeſaid. And if any Perſon or Perſons within this Province, by themſelves, their Factors or Agents, ſhall contrary to, and againſt the true intent and meaning of this his Majeſty's Royal Will and Pleaſure ſignified unto me, as aforeſaid, hold any Correſpondence, or give any Aſſiſtance, or enter into any Traffick or Commerce, in manner aforeſaid, then all ſuch Perſon or Perſons ſo acting, as aforeſaid, ſhall incurr ſuch Pains, Penalties, and Forfeitures;

feitures, as by Law in ſuch Caſes are provided. And all his Majeſty's Subjects, and others within this Province, are hereby required to take due notice hereof, and to obſerve his Majeſty's ſaid Royal Will and pleaſure in all and every of the Premiſſes as they will anſwer the contrary at their peril.

Given at Fort William Henry *in* New-York, *the* 15th *day of* May, 1699. *and in the Eleventh Year of his Majeſty's Reign.*

By Order, Bellomont.
B. Cole. *Cl. Concilii.*
God ſave the King.

Printed by *W. Bradford* Printer to the Kings moſt Excellent Majeſty in *New-York.* 1699.

By his Excellency Richard *Earl of* Bellamont, *Captain General, and Governour in chief of his Majeſty's Provinces of the* Maſſachuſetts-Bay, New-York, *&c. in* America, *and of the Territories thereon depending, and Vice-Admiral of the ſame.*

A PROCLAMATION.

WHEREAS his moſt Excellent Majeſty having received Advice, that ſeveral Ships of Force fitted out in *Scotland*, were arrived at the Iſland of *St. Thomas*, with an Intention (as they de-

declared) to ſettle themſelves in ſome parts of *America*: Leſt the ſame ſhould derogate from the Treaties his Majeſty has entred into with the Crown of *Spain*, or be otherwiſe prejudicial to any of his Majeſty's Colonies in the *Weſt-Indies* his Majeſty has been pleaſed to ſignify his Royal Pleaſure to me, That I ſhould ſtrictly forbid all his Majeſty's Subjects, or others inhabiting within the Diſtricts of my Government, that they forbear holding any Correſpondence with, or giving any Aſſiſtance to any of the ſaid Perſons, while they are engaged in the foreſaid Enterprize; and that no Proviſion, Arms, Ammunition, or other Neceſſaries whatſoever, be carried to them from thence, nor be carried either in their own Veſſels, or any other Ships or Veſſels for their uſe.

In obſervance therefore of his Majeſty's ſaid Royal Will and Pleaſure, I have thought fit, by and with the Advice of his Majeſty's Council of this Province, to charge and command, and do hereby charge and command all and every of his Majeſty's Subjects, and others within this Province and Territories thereon depending, that they forbear holding any Correſpondence with, or giving any Aſſiſtance to any Perſon or Perſons, who have been fitted out of *Scotland* in manner aforeſaid, and are ſaid to have ſettled in a certain place in the *Weſt-Indies* by 'em call'd *Caledonia*, or to enter into any Traffick or Commerce with them, or any of them. And that no Proviſions. Arms, Ammunition, or other Neceſſaries whatſoever be tranſported or carried unto them from this Province, or any part thereof, either in their own Veſſels, or any other Ship or Veſſel for their Uſe. Of which all his Majeſty's Subjects, and others within this Province, are hereby required to take due notice, and conform themſelves accordingly, as they will anſwer their acting hereunto under the outmoſt Pains, Penalties, and Forfeitures, as are by Law in ſuch caſes provided. And the Officers of his Majeſty's Cuſtoms, and all other his Majeſty's Officers, are hereby alſo required to take effectual care that his Majeſty's ſaid Royal Will and Pleaſure in all and every of the Premiſſes be duly obſerved and kept, as they will anſwer the contrary at their Peril,

Given at the Council Chamber in Boſton, *the third of* June 1699. *in the Eleventh Year of his Majeſty's Reign.*

By Order of his Excellency, and Council, I. Addington *Secr.*

BELLOMONT.

God ſave the King.

Boſton, Printed by *Bartholomew Green*, and *John Allen*, Printers to his Excellency the Governour and Council.

A ſecond Proclamation publiſhed in Barbadoes *againſt the* Scots *Company aud Colony.*

Barbadoes. By his EXCELLENCY.

WHEREAS his Majeſty has been pleaſed to ſignify his pleaſure to me by Mr. Secretary *Vernon*,, That he hath been Adviſed, that ſe-

ſeveral Ships of force are arrived at the Iſland of *Cairat* near *Darien* from *Scotland*, with an intention to ſettle themſelves, their Deſign being unknown to his Majeſty; and leaſt the ſame ſhould derogate from the Treaties his Majeſty hath entred into with the Crown of *Spain*, or be otherwiſe prejudicial to any of his Majeſty's Colonies in the *Weſt Indies*.

Theſe are therefore in his Majeſty's Name, by and with the Advice and Conſent of the Council, ſtrictly to command all his Majeſty's Subjects inhabiting within this Iſland, that they forbear holding any Correſpondence with, or giving any Aſſiſtance to the ſaid Perſons; and that no Proviſion, Arms, Ammunition, or other Neceſſaries whatſoever be carried to them, as they ſhall anſwer the ſame at their peril.

Given under my hand the *5th.* day of *September* 1699. and in the Eleventh Year of his Majeſty's Reign.

R. Gray.

The Council General of the Indian *and* African *Company's Petition to his Majeſty.*

May it pleaſe your Majeſty,

WE your Majeſty's moſt dutiful Subjects, The Council-General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, do in all humble duty beg leave to lay before your Majeſty the preſent Condition of our Affairs.

Your Majeſty from an earneſt deſire of the flouriſhing of your Antient Kingdom, having been graciouſly pleaſed by the 32*d.* Act of the 4*th.* Seſſion, & by the 8*th.* Act of the 5*th.* Seſſion of this current Parliament, and your Majeſty's Letters Patent under the Great Seal of this Kingdom following thereupon, to authorize the ſettling of Plantations and Colonies in *Aſia*, *Africa* or *America* by the Natives of this Kingdom; and and ſuch others as ſhould joyn with them; as in the ſaid Acts of Parliament and Letters Patent is more particularly expreſs'd.

We and our Conſtituents, your Majeſty's moſt Loyal Subjects did, upon the faith and encouragment of the ſaid Acts, and Letters Patent, enter into a Society, erect a Company of Trade, and with great Charge, and after many Difficulties ſettled a Plantation on the North ſide of the *Iſthumus* of *Darien*, a place preciſely in the terms of the ſaid Acts of Parliament and Letters Patent.

And being ſenſible, That as our Company had its Birth from your Majeſty's moſt Gracious Favour, ſo it could not ſubſiſt but by your Royal Protection; We did therfore in all humble manner Petition your Majeſty's High Commiſſioner and the Eſtates of Parliament aſſembled the 19*th.* of *July* 1698.

Upon which the Eſtates of Parliament did with great unanimity Addreſs your Majeſty, That you would in your Royal Wiſdom be pleaſed to take ſuch meaſures as might effectually vindicate the undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and Intereſt thereof.

That Seſſion of Parliament ending before any Return could be had from your Majeſty, Reports have been ſpred by the Enemies of our Settlement, as if our Company had not your Majeſty's Protection: And as an evidence thereof; That Proclamations have been iſſued out in your Majeſty's Name by your Governours in all the *American* Plantations, not only to deprive our ſaid Company and Colony of the friendly Aſſiſtance, that might have reaſonably been expected from our Neighbour Nation, but alſo ſtrictly forbiding all your Majeſty's Subjects or others within theſe Plantations to enter into any Traffick or Commerce with the ſaid Colony; & that no Proviſions, Arms, Ammunition, or other Neceſſaries whatſoever ſhould be tranſported, or carried to them either in their own Veſſels or any other Ship or Veſſel for their uſe, and that under the utmoſt Pains, Penalties and Forfeitures mentioned in the ſaid Proclamations.

Which Proceedings we have but too much reaſon to believe have been of fatal conſequence to our Company and Colony, and conſequently to the intereſt of all your Majeſty's good Subjects in this Kingdom. And we being fully perſuaded, that nothing could be ſo conducible for the ſupport of our ſaid Company and Colony in our preſent Circumſtances, as ſome ſpecial Teſtimonies and Evidences of your Royal Protection.

We do therefore in all humility and earneſtneſs beg of your Majeſty's fatherly care of our ſaid Company in particular, and of the Nation in general, That your Majeſty would be graciouſly pleaſed to take off the force and effect of theſe Proclamations which have been ſo prejudicial to us, and to ſignify your Royal Pleaſure to the Governours of theſe your Plantations, that we may be ſupply'd in the common and ordinary way of Commerce. As alſo that your Majeſty may allow your Parliament to meet at the day appointed in *November* next, or as ſoon as poſſibly can be, that your Majeſty may have the Advice and Aſſiſtance of the Great Council of this Nation in ſuch a weighty and general Concern, which we hope God will bleſs with an happy iſſue to his Glory, the Honour of your Majeſty, the Credit of your Parliament, the Intereſt of the Nation, and the Good of our Company and Colony.

Sign'd at *Edinburgh* the 19*th.* day of *October* 1699. in Name, preſence, and by Order of the ſaid Council General by,

May it pleaſe your Majeſty,
Your Majeſty's moſt Faithful, moſt Dutiful, moſt Humble, and moſt Obedient Subject and Servant,
Belhaven, I. P. C. G.

To which his Majeſty was pleaſed to give the following Anſwer.

WILLIAM R.

Right Truſty and Well-beloved, We greet you well: Your Petition has been preſented to us by our Secretaries, and we do very much regret the Loſs which that our Antient Kingdom and the Company has lately ſuſtained: We will upon all Occaſions protect and encourage the Trade of the Nation: And we will alſo take care, that the Subjects of that our Kingdom ſhall have the ſame freedom of Trade and Commerce with our *Engliſh* Plantations as ever they had formerly.

Our current Parliament is adjourn'd to the *5th.* day of *March* next, and we will order that the Parliament ſhall meet when we judge that the Good of the Nation does require it. And ſo we bid you heartily farewell. Given at our Court at *Kenſington* the *2d.* day of *November* 1699, and of our Reign the *11th.* Year.

To our Right Truſty and
well-beloved, The Council
General of the Company of
our Ancient Kingdom of
Scotland *Trading to* A-
frica *and the* Indies.

By his Majeſty's Command,

Seafield.

To the Right Honourable the Lord High Chancellor, and remanent Lords of his Majeſty's moſt Honourable Privy Council.

The Humble Addreſs of the Council-General of the Company of Scotland *Trading to* Africa *and the* Indies.

May it pleaſe your Lordſhips,

WE think it needleſs to trouble your Lordſhips with a repetition of the many Steps, Difficulties and Diſcouragements that we met with all along both abroad and at home, ſince the beginning of this Undertaking, the moſt conſiderable of them being already particularly known to your Lordſhips But maugre all thoſe Difficulties, we have with a great deal of Trouble and vaſt Expenſes, ſettled a Plantation in one of the moſt valuable and impregnable Places in all *America*, ſituated on the North-ſide of the Iſtumus of *Darien* called by us *Caledonia*.

As no Nation in *Europe* ever begun any ſuch Settlement with ſo conſiderable a Strength of Men, Ships, and other Neceſſaries, as we did: So no inſtance can be given of any Settlement ever heretofore made, that had ſo hopeful an Aſpect in ſo ſhort a time as our Plantation aforeſaid.

But to our and the Nation's ineſtimable Loſs, we have very ſurprizing Advices of our Peoples having deſerted the ſaid Settlement by reaſon of Proclamations iſſued forth in all his Majeſty's Plantations of *America*, ſtrictly forbidding all his Majeſty's Subjects to hold any manner of Correſpondence with our ſaid Colony, and that no manner of Proviſions, Arms, Ammunition, or other neceſſaries whatſoever, ſhould be tranſported or carried to them, either in their own Veſſels or any other Ship or Veſſel for their uſe; and that under the outmoſt Pains, Penalties, and Forfeitures mentioned in the ſaid Proclamations. The certain notice whereof could not but have put them in a deſperate Condition, eſpecially none of our Advices having come to their hands, tho we wrote to them at ſeveral times, by the ſeveral ways of *Jamaica*, *Barbados*, *Antegoa*, *New-England*, &c. and ſent them likewiſe an illimited

Credit for buying of Proviſions, till our own Ships and Recruits ſhould come up to them.

We have taken ſuch further meaſures,as ſeem'd moſt reaſonable to us upon this unexpected Emergency, but have too good ground to fear, that not only what we have already done, but even all that we are able to do, muſt prove ineffectual, if the King and his Parliament of this Kingdom,do not give ſome encouraging Marks of their Favour and Protection to our ſaid Company and Colony : Wherefore we have in all humble Duty Petition'd his Majeſty that he would be graciouſly pleaſed to take off the Force of the ſaid Proclamations, and allow his ſaid Parliament to meet at the day appointed in *November* next, or as ſoon as poſſibly may be, to give their Advice and Aſſiſtance in ſuch a weighty and general concern.

Your Lordſhips may very well know the great Loſſes, both of Men and Treaſure, that we have already ſuffered by the unaccountable Proceedings of the Enemies of our Company and Colony: Nor can we tell when to expect an end to ſuch Methods againſt us, unleſs his Majeſty and the Great Council of the Nation fall upon proper and effctual Means for ſupporting ſo valuable an Undertaking.

May it therefore pleaſe your Lordſhips, to take the whole Premiſſes into your moſt ſerious conſideration, and do us all the good Offices with his Majeſty that, in your profound Wiſdom, you ſhall think moſt expedient for ſupporting our Company and Colony's Intereſt, and give him an account of our preſent Circumſtances, and how much the Honour and Intereſt of the Nation ſtands concern'd.

Sign'd at *Edinburgh* the 20*th.* day of *October* 1699, in Name, Preſence, and by Order of the ſaid Council-General. By,

May it pleaſe your Lordſhips,

Your Lordſhips moſt humble Servant,

Baſil Hamilton, J. P. C. G.

A Letter from the Company

To the Right Honourable, The Viſcount of *Seafield*, one of the Secretaries of State for the Kingdom of *Scotland.*

My Lord,

THis is by Order of the Council-General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, to acquaint your Lordſhip, That we have prevail'd upon Lord *Baſil Hamilton* to be at the trouble of going up with an Addreſs to His Majeſty from our ſaid Council-General on behalf of Captain *Robert Pinkarton* and Thirty more, who were wrongfully detain'd Priſoners at *Carthagena* ſince the beginning of *February* laſt, and (as we are inform'd) are moſt inhumanely treated.

We are daily importun'd by their Relations (who are very conſiderable) for their Relief; and it is of great concern to our Company, that ſomething material be ſpeedily done therein, not only for the ſake of the ſaid Priſoners, but alſo that others may thereby ſee, we do not abandon the Intereſt of ſuch as engage themſelves in our Company's Service.

Lord *Baſil Hamilton* is fully inſtructed in all matters relating to the ſaid Addreſs, and other Affairs relating to our Company, of which he'll inform your Lordſhips. Wherefore we entreat that your Lordſhip will be pleas'd to introduce him to His Majeſty, in preſenting of the ſaid Addreſs; and to aſſiſt him in procuring a gracious return from his Majeſty; in the confidence whereof, I remain,

Edinbr. 4th. *Decr.*
1699.

My Lord,
Your Lordſhip's moſt
humble Servant,

Teſter, I. P. C. G.

Memorandum, *Such another Letter was at the ſame time written to the Lord* Carmichael, *the other Secretary of State.*

The Company's Addreſs to His Majeſty.

May it pleaſe your Majeſty,

WE your Majeſty's moſt dutiful Subjects, the Council-General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, having formerly, in moſt humble manner, repreſented to our Majeſty, how that we have, with much Trou- e, great Expenſe, and after many unexpected ops and Difficulties, ſettled a Plantation and Co- ny on the North-ſide of the *Iſthmus* of *Darien*, on e Continent of *America*, preciſely in the Terms of our Majeſty's Acts of Parliament and Letters Pa- nt under the Great Seal of this Kingdom.

We now, in all Duty and Humility, beg leave o repreſent further to your Majeſty, That where- s in the ſaid Acts of Parliament and Letters Pa- ent, there is a ſpecial Clauſe, by which your Ma- eſty is graciouſly pleaſed to promiſe, “ That if “ contrary to the Rights and Priviledges therein- “ mention'd, or contrary to the General Treaties “ of Peace and Commerce between your Majeſty “ and any Potentate, Prince or State in Amity “ with your Majeſty; the Ships, Goods, Mer- “ chandize, Perſons, or other Effects whatſoever, “ belonging to the ſaid Company, ſhould happen “ to be ſtopp'd, detain'd, embezell'd, or taken “ away, or in any ſort prejudic'd or damnified, “ That your Majeſty would interpoſe your Royal “ Authority, to have Reſtitution, Reparation, “ and Satisfaction made for the dammage done ; “ and that upon the publick Charge.

And whereas likewiſe by the X and XI Articles of the Treaty concluded between the Crowns of *Great-Britain* and *Spain*, at *Madrid* the $\frac{8}{18}$ day of *July* 1670. It is ſpecially ſtipulated, “ That in “ caſe any of the Subjects of either the Confede- “ rates with their Shipping be forc'd at any time, “ through ſtreſs of Weather, purſute of Pyrates, “ or Shipwrack to retreat and enter for ſhelter, “ and harbour into any of the Rivers, Creeks,

“ Bays, Havens, Roads and Ports belonging to
“ the other in *America*, That the Perſons ſo Ship-
“ wrack'd or forced a Shoar, ſhall in no ſort be
“ detain'd Priſoners, but that on the contrary,
“ all friendly Aſſiſtance and Relief ſhall be admi-
“ niſtred to their Diſtreſs, both for the Suſtenance
“ of their Perſons and reparation of their Ships,
“ and conveniency of their Voyage, and that
“ Letters of ſafe Conduct ſhall be given them,
“ for their free and quiet paſſage thence.

Yet notwithſtanding thereof, a Ship call'd the *Dolphin*, belonging to our Company, being ſent from our ſaid Colony to ſome of the Leeward Iſlands, with a Cargo for buying Proviſions, and the ſaid Ship in a few days time after her going to Sea and plying to windward, for the ſpeedier paſſage, ſtricking unfortunately upon a Rock, ſprung a Leak, and being forced to run a ſhoar, under the very Walls of *Carthagena*, to eſcape Shipwrack, not only the ſaid Ship and Goods were violently ſeiz'd and diſpos'd of as prize, but alſo the Men to the number of thirty and a Boy (whoſe Names are here ſubjoyned) were detain'd and made cloſe Priſoners, contrary to the expreſs Terms of the ſaid Treaty:

Upon notice whereof, the Council of the ſaid Colony ſent, in your Majeſty's and ſaid Company's Name, a Meſſenger with a very civil Letter, to the Governor of *Carthagena*, to demand your ſaid Subjects, who were wrongfully detain'd Priſoners, as aforeſaid; and likewiſe Reſtitution of the ſaid Ship and Goods, purſuant to the Treaty above-recited; and ſent alſo Copies of the Acts of Parliament and Letters Patent above-mention'd, in *Engliſh*, *Latin*, and *Spaniſh*, for the Governor's

formation: but inſtead of any compliance to
oſe juſt and reaſonable Demands, the Meſſen-
er was threatned to be put in Chains, and not ſo
uch as allow'd to ſee any of the ſaid Priſoners.
And being lately aſſur'd, that (notwithſtan-
ing of all endeavours hitherto us'd for their Libe-
ation) they are contrary to the Rules of Chriſti-
nity, Humanity, and the Law of Nations, ſtill
etain'd Priſoners under very ſevere Treatments,
e think our ſelves in Duty and Conſcience bound
 lay their deplorable Caſe before your Majeſty;
nd for that effect have commiſſioned Lord *Baſil*
amilton, one of our number, to preſent this our
umble Addreſs on their behalf to your Majeſty,
nd to give your Majeſty a further account of our
ompany's other Affairs, as he is particularly in-
ructed therein; not doubting but that your Ma-
ſty will, in your Royal Wiſdom, take ſpeedy
d effectual Meaſures for the redreſs of thoſe
ammages, and the freedom of thoſe diſtreſſed
riſoners, in the number of which there are ſome
oung Gentlemen of good Quality, and related
 the beſt Families in this Kingdom.

Signed at Edinburgh *the* 4th. *Day of* December,
1699; *in Name, Preſence, and by Order of the*
ſaid Council-General, by,

May it pleaſe your Majeſty,
Your Majeſty's moſt Faithful,
moſt Dutiful, moſt Humble,
and moſt Obedient Subject
and Servant,
Yeſter, I. P. C. G.

The

The Chancellours Letter to the Directors of the Company.

Holyrood-houſe, the 9*th.* of
January 1700.

Right Honourable,

HIs Majeſties Secretaries of State have acquainted me, That the King will not allow my Lord *Baſil Hamilton* acceſs to him, Becauſe he did not wait on his Majeſty when he was formerly in *London.* And that he has never ſince given any publick Evidence of his Loyalty, nor has hitherto owned and acknowledged His Majeſties Government. But his Majeſty will not refuſe to hear what my Lord *Baſil*'s Inſtructions are; and has declared his willingneſs to be informed of what the Company deſires. And if my Lord *Baſil* will give in Writing to His Majeſties Secretaries, what he had to repreſent, His Majeſty will receive Information from their hands of what is demanded, and will give his Anſwer to the Company; His Majeſty doth not refuſe to Receive the Petition, tho' he will not allow my Lord *Baſil* to be the Preſenter of it. This from

To the Right Honourable,
The Court of Directors of
the Company of Scotland,
Trading to Africa *and the*
Indies.

Right Honourable,

Your very humble
Servant,
Marchmont Chancellour.

A

A Letter from the Directors of the Company, to each of the Secretaries for Scotland.

My Lord,

THE Council-General of our Company, having lately a very frequent Meeting thought fit to ſend up one of their own Number, with an Addreſs to his Majeſty, and with Inſtructions concerning the Contents of our Company's former Petitions; they thought that none could be more Capable to Diſcharge that Truſt, than Lord *Baſil Hamilton.* as being throughly Verſed in the courſe of the Company's Affairs, nor more acceptable to His Majeſty, as having had no objection made againſt him when he was appointed; ſeveral Lords of His Majeſties Privy Council Being then preſent. And the Council-General having ſignified ſo much to your Lordſhip by a Letter, wherein they entreated, that you would be pleaſed to introduce him to the *King*, and give your Concurrence in procuring a Gracious Return to what he had in Commiſſion, and which he was to Communicate to your Lordſhip. We are ſurpriz'd to find this day by a Letter from the Lord Chancellour; that the King will not allow Lord *Baſil Hamilton* to have Acceſs, becauſe he did not wait upon his Majeſty when he was formerly at *London.* But his Lordſhip being ſent by, and having his Inſtructions from the Council-General, We the Court of Directors can ſay nothing to it, other than to entreat your Lordſhip that you'd uſe your Intereſt with his Majeſty. to allow Lord *Baſil Hamilton*, to have Acceſs to His

Royal Perſon, leſt the Refuſal thereof be not only a great Diſcouragement to the Company and all its well-wiſhers, under its preſent Difficulties and repeated Misfortunes, but give alſo ground to the World to believe that his not being allowed Acceſs to His Majeſty, is upon the Account of his carrying an Addreſs from this Company, which every Body knows ſtands in great need of, and has a juſt Right to His Majeſties Royal Favour and Protection,, And which being the General Concern of the whole Nation, is confidently expected & ſignified to your Lordſhip, by Order and in name of the Court of Directors by,

My Lord,
Your Lordſhips moſt humble Servant,

Edinbur. *the 9th. day of* January, 1700.

Pat. Scot. I. P: C. D.

A Letter from the Company, to my Lord Baſil Hamilton.

My Lord,

WE have your Lordſhips Letter, of the 2d. Inſtant, by yeſterdays Poſt; in relation to to the Contents of which, we ſend you herewith the Copy of a Letter, which we have written by this Nights Poſt, to both the Secretaries of State, and likewiſe the Copy of another Letter, which we had this morning from the Lord Chancellour upon the ſame head.

As our Company cannot but have a juſt ſenſe of your Lordſhips generous condeſcenſion, to the Council-Generals requeſt, in undertaking a troubleſome Journey to *London*, this time of the Year,to wait upon and Solicite his Majeſty about our Company's Affairs, with no other view but frankly to ſerve the Intereſt of your Country, to the manifeſt neglect of your own, So we cannot but heartily regret that the carrying of the Company's Commiſſion, ſhould be the occaſion of putting ſuch a diſtinguiſhing Mark upon a Perſon of your Lordſhips Quality and merit, as to be denied acceſs to His Majeſties Perſon, becauſe you did not wait upon His Majeſty when you were formerly at *London*. No body can be ſo blind as not to ſee through this: And whereas we never could hear, that your Lordſhip did ever any thing unworthy of your Quality, or inconſiſtent with the duty of a Loyal and Peaceable Subject. So we are ſtill hopefull, that by your own prudent management, His Majeſty may be undeceived of any miſ-repreſentation he might have had of you,& that he will yet condeſcend to grant your Lordſhip acceſs to his Royal Perſon, with the Company's ſaid Addreſs, and give you a Gracious Anſwer to the Contents thereof, and to the other particulars mention'd in your inſtructions; An account whereof would be very welcome News, in the midſt of our miſfortunes, to the Company in general, and particularly tothe Court of Directors in whoſe Name, and by whoſe Order this is from,

My Lord,

Your Lordſhips moſt humble Servant,

Edinburgh *the 9th. day of* January, 1700. Pat. Scot. I. P. C. D

His Majeſties Letter to His Council of Scotland.

William R.

RIght Truſty and Right well beloved Couſin and Councellor, Right Truſty and Entirely beloved Couſin and Councellour, Right Truſty and well Beloved Couſins and Councellours, Right Truſty and well Beloved Councellours, and Truſty and well Beloved Councellours, We greet you well, WHEREAS The Council-General of the Company of that our Kingdom, Trading to *Africa* and the *Indies*, by their Letter to our Secretaries of the Fourth day of *December* laſt; did deſire, That they might give their concurrence to procure a Gracious Return from Us, to the Petition which they had ſent with Lord *Baſil Hamilton*. And the ſaid Lord *Baſil* havihg communicated to Our Secretaries both the foreſaid Petition and His Inſtructions; And they having repreſented to us, what is deſired in behalf of the ſaid Company, and we having refuſed the ſaid Lord *Baſil Hamilton* Acceſs, to preſent the the foreſaid Petition to Us, for the Reaſons We did Order our Secretaries to Comunicate to Our Chancellour ; Yet We being willing to give an Anſwer to what the ſaid Company does deſire. You are therefore to call for ſome of the Conncil-General, and acquaint them that We are reſolved in the terms of our Treaties, to demand from the King of *Spain*,that Captain *Pinkarton* and theſe of his Crew, who are detained Priſoners at *Carthagena* be Releaſed and ſet at Liberty. And you may alſo acquaint them, that our Subjects of that our Kingdom ſhall be allowed the ſame Liberty of Trade that others enjoy with the Engliſh Plantations ; And in general, you may ſignifie to them, Our Reſolution to promote and advance the Trade of the Kingdom, And the three Friggots they demand having been given by Parliament for guarding the Trade of the Coaſts;We are not reſolved to diſpoſe of them till we have the Advice of our Parliament. And ſo we bid you heartily Farewel. Given at our Court at *Kenſingtoun*, the Tenth day of *January* 1700,and of our Reign the Eleventh Year, By his Majeſties Command *Sic Sub. Seafield* Directed thus, To Our Right Truſty and Right well Beloved Conſin and Councellor, Our Right Truſty and Entirely Beloved Couſin and Councellor, Our Right Truſty and well beloved Couſins and Councellours, Our Right Truſty and well Beloved Councellours, and to our Truſty and well Beloved Councellours, *Patrick* Earl of *Marchmont* our Chancellor, and the reſt of the Lords and others of our Privy Council, of our Ancient Kingdom of *Scotland.* This is a true Copy taken from the principal and Subſcribed by,

Gilb, Eilot Cls. Sti. Con.

An other Letter from the Council-General of the Company to my Lord Baſil Hamilton.

My Lord,

YOur Lordſhips Letters to the Court of Directors, having been by them Communicated to us, We cannot but acknowledge, that as you have at our requeſt frankly undertaken a troubleſome Journey and Task to ſerve the Intereſt of your Country and our Company ; So we are fully ſatisfied, that you have acquitted your ſelf with a great deal of Prudence and Diſcretion in the execution of that Charge, for which we render you moſt hearty Thanks : But finding by a Letter of the 10*th.* inſtant from His Majeſty to the Lords of his Privy Council, aud by a former from the Secretaries of State to the Lord Chancellour (Copies of both which are herewith incloſed) That his Majeſty has determin'd not to to allow your Lordſhip acceſs to preſent our Addreſs, nor to impart to His Majeſty what other things we gave you in charge by your Inſtructions: We are heartily Sorry that your Lordſhips carrying of our Addreſs, ſhould bring you you under any ſuch diſagreeable circumſtances with His Majeſty : But the matter being ſo, we cannot think it juſt to detain your Lordſhip any longer at *London* to the neglect of your own affairs at home, and do therefore hereby ſignify that your Lordſhip may uſe your own Freedom, to take Journey homeward as ſoon as you think fit, and as may ſute beſt with your conveniency. This is in Name, preſence and by order of the Council-General of our Company, from

My Lord,

Your Lordſhips moſt humble Servant,

Edinburgh *the 29th. of*
January 1700.

John Home P.

Upon the firſt notice that was given of a National Addreſs or Petition to His Majeſty for the ſitting of the Parliament, the following Proclamation was emitted.

PROCLAMATION
Anent Petitioning.

WILLIAM By the Grace of GOD, King of Great *Brittain*, *France* and *Ireland*, Defender of the Faith; To

Macers of Our Privy Council Meſſengers at Arms, Our Sheriffs in that Part Conjunctly and Severally, Specially Conſtitute Greeting; Foraſmuch, as We, by our Letter under our Royal hand, dated at *Kenſingtoun*, the Twelfth of *December* inſtant, have ſignified to the Lords of Our Privy Council, That whereas we are informed, that notwithſtanding of Our Anſwer to the late Petition of the Council-General of the Company of that our Kingdom, Trading to *Africa* and the *Indies*, which we think ought to have given intire Satisfaction to all our Good Subjects; Yet there is on foot a Deſign of Addreſſing Us of New, on the ſame heads, carryed on after ſuch a manner,& with ſo little reſpect to our Government,gives us too juſt Grounds to apprehend the Conſequences, that We have never hitherto denyed Our Subjects their Priviledges, nor will We diſcourage the Liberty of Petitioning, when the ſame is done in an Orderly manner, but that we having fully declared our Mind, as to the Subject of the laſt Addreſs, We cannot but take particular Notice of that unuſual Method that is taken to procure Subſcriptions to a new one, and that ſome Perſons, who ſignalize themſelves in carrying on the ſame, have given no Evidence of their Affection to Our Government. And make it their Indeavour to lodge the late misfortune of the Company, on Proclamations emitted in the Weſt *Indies*, tho they cannot but be ſenſible, that the ſame did proceed from other Cauſes. And being convinced, that ſuch Practiſes may tend to Alienate from Us the Hearts of our good Subjects, & that it is neceſſary, for the Support of Our Government, and preſerving the publick Peace of the Nation, that they be diſcouraged and prevented. We did therefore Recommend to the ſaids Lords of Our Privy Council, to ſignify and

and make known our Diſpleaſure, and Diſ-ſatisfaction with ſuch proceedings, and to take the moſt effectual Methods conſiſtent with Law, for Diſcouraging the ſame, and for preventing theſe that are well inclined to Our Government from Joyning with them. OUR WILL IS HEREFORE, And We Charge you ſtrictly, and Command, that Incontinent theſe our Letters ſeen, ye paſs to the Mercat Croſs of *Edinburgh*, and Remanent Mercat Croſſes of the whole head Burghs of the ſeveral Shires, and Stewartries within this Kingdom,& thereat in our Name and Authority,by open Proclamation make Intimation of the Premiſſes, that none pretend Ignorance, and ordains Our Solicitor to tranſmitt Coppies to the Sheriffs, Stewarts and their Clerks for that effect and Ordanis theſe preſents to be Printed.

Given under our Signet at Edinburgh *the Eighteenth day of* December, *and of Our Reign the Eleventh Year*, 1699.

Ex deliberatione Dominorum Secreti Concilii.

GILB. ELIOT. *Cls. Sti. Concilii.*

God ſave the King.

Here followes the firſt National Addreſs or Petition mention'd in the foregoing Proclamation.

May it pleaſe your Majeſty,

VVE the ſeveral Subſcribing Nohlemen, Barons and Gentlemen of this Your Majeſty's Kingdom ef *SCOTLAND*, being deeply Affected with the preſent hard Circumſtances of the *Indian* aud *African* Company, both Abroad and at Home, as being of Univerſal Concern to the whole Nation. And your Majeſty having been pleaſed, by your Royal Anſwer to the Council-General of the ſaid Company's late Petition, to ſignify, *That your Majeſty does very much Regret the Loſs which this Kingdom and the Company has late-ſuſtained; That upon all occaſions Your Majeſty will Protect and Encourage the Trade of the Nation; and that Your Majeſty will order the Parliament to Meet when you judge that the Good of the Nation does require it.*

We are thereby Encouraged in moſt Dutiful and Humble manner, to repreſent to your Majeſty, That as the Eſtates of Parliament, and this Nation, which they Repreſent, have a Peculiar Intereſt in the Concerns of the ſaid Company, as is particularly maṅifeſted in their Unanimous Addreſs of the 5*th.* of *Auguſt* 1698. to Your Majeſty: So we humbly conceive nothing can be ſo Conducible to ſupport the Intereſt and Credit of the ſaid Company, under its preſent Misfortunes, as a Meeting of the ſaid Eſtates in Parliament, and that the Good of the Nation can at no time require their Metting more than at preſent: As not doubting, but that under the Influences of Your Majeſty's Favour and Protection, together with the Aſſiſtance which may be reaſonably expected from your ſaid Parliament, The ſaid Company may be enabled to proſecute their Undertakings with greater Aſſurance, and better Succeſs than hitherto they could have done, under the many Stops and Difficulties which they met with from time to time.

We do therefore in all Humble Duty; moſt earneſtly Entreat, and moſt aſſuredly Expect, that Your Majeſty will, in Your Royal Wiſdom, and Fatherly Care, for the Good of this Nation, be Graciouſly pleaſed, to order your ſaid Parliament to Meet, as ſoon as poſſible, which We doubt not, will tend to the Honour of your Majeſt, and the General Good and Satisfaction of the Nation, and particularly of

May it pleaſe your Majeſty,
Your Majeſty's moſt Loyal,
moſt Dutiful, and moſt
humble Subjects and
Servants.

This Addreſs was preſented to His Majeſty at Kenſington *the* 25*th. day of* March 1700: *By the Right Honourable the Marques of* Tweeddale, *Sir* John Home *of* Blakader *Baronet*, John Haldan *of* Gleneagles *and* Patrick Murray *of* Livingſton *Barons, Commiſſiners appointed for that end:*

Upon the preſenting of this Addreſs one of the abovenamed Commiſſioners ſignifyed to the King, that it was hoped His Majeſty would be pleaſed to look upon it not only as a Petition for allowing the Parliament to ſit, but likewiſe as a Teſtimony of the Nations concern for the intereſt of the *Indiau* and *African* Company. To which His Majeſty was Graciouſly pleaſed to Anſwer, *That that would be beſt known in Parliament, and that the Parliament could uot ſitt before the* 14th. *of* May *then next enſuing, but that it would ſitt then:* Or in Words to that effect.

To His Grace His Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The Humble Repreſentation and Petition of the Council-General of the Company of Scotland, *Trading to* Africa *and the* Indies.

May it pleaſe your Grace,
and Right Honourable Eſtates,

IT is evident by the whole Strain of Three ſeveral Acts of Parliament, together with His Majeſty's *L*etters Patent under the Great Seal of this Kingdom, in favours of the ſaid Company, That the Wiſdom of the King and Right Honourable Eſtates did intend, that all ſuch Advantages as might ariſe by the eſtabliſhing of ſuch a Company, ſhould be of as uuiverſally a National Concern as poſſible; And in order thereunto, were pleaſed to endow it with large Priviledges and Immunities, ſuteable to the Circumſtances of an Infant-Company, and the Greatneſs of its Deſigns: And leſt that it ſhould fail in the Execution, for want of a ſufficient Stock to carry on ſuch an Undertaking, all imaginable Parliamentary Encouragement was given to Perſons of all Ranks, Ages and Sexes, both within and without the *K*ingdom, whether Natives or Foreigners, to become Partners and Adventurers in the Joynt-Stock of the ſaid Company, as is ſingugularly manifeſt by the 42d. Act of the 5th Seſſion of this current Parliament, eſpecially calculated for that end only.

Upon the publick Faith of having due Protection in the enjoyment of theſe unqueſtionable Priviledges and Immunities, as having received their Sanction from His Majeſty. and the unanimous Suffrage of the great Council of the Nation as aforeſaid, many Perſons of all Ranks and Degrees were thereby induced to become Adventurers in the Joynt-Stock of our ſaid Company, in in ſo much that in a very ſhort time, a much more conſiderable Stock was ſubſcrib'd for within this Kingdom, than was ever before ſo much as propos'd here upon any project whatſoever, ſince we were a Nation:

Being thus entred into a Society, We and our Conſtituents have purſuant to the intentions of the Acts of Parliament aud Letters Patent abovemention'd, with much care and trouble, and a great Expenſe of Treaſure, after having ſtruggled with many unexpected Obſtructions and Difficulties ſetled a Plantation by the Name of *Caledonia*, in one of the moſt Healthful, Fruitfull, naturally impregnable, and every way valuable Places in all *America*, as is univerſally acknowledged by all Perſons of Experience in ſuch Matters as well as by the General Conſent of ſuch as have been there: And as a manifeſt proof thereof tho our ſaid Plantation be ſettled moſt ſtrictly in the terms of the Acts of Parliament and Letters Patent abovementioned, yet it has raiſed the Jealouſy of ſome, and Envy of others, of the moſt knowing and conſiderable Trading Nations in *Europe*.

But to our and the Nations great Surpriſe, and ineſtimable Loſs, while we were uſing all ordinary means, and big with the hopes of riveting that Settlement upon a laſting Foundation, ſuch was the further continued Chain of unexpected Obſtructions and moſt unaccountable Mal-treatments that we met with, by Proclamations of a very ſtrange Nature, and otherwiſe, that the repeated Misfortunes following thereupon, put us under an indiſpenſible Neceſſity of humbly petitioning His Majeſty for allowing the Parliament to meet at the day appointed in *November* laſt; in full confidence and Expectation of having the moſt natural and cordial Aſſiſtance from thoſe who have firſt eſtabliſhed our Company, and promiſed it Protection; eſpecially ſince all our other Applications have hitherto proved ineffectual: But a meeting of the Eſtates of Parliament at that time not quadrating (it would ſeem) with His Majeſty's other Affairs, a very conſiderable Body of the Nobility, Gentry and Burgeſſes of this Kingdom, thought fit, in a moſt dutiful and humble manner, by their late Addreſs, to repreſent to His Majeſty, how deeply they were affected with the Nations concern in our Company's repeated Misfortunes, and therefore humbly Petitioned for the ſitting of this Parliament as ſoon as conveniently might be. And the King having been moſt graciouſly pleaſed to order the Meeting of the Right Honourable Eſtates now in Parliament, We think our ſelves in all duty bound to give His Grace His Majeſty's High Commiſſioner and the Right Honourable the Eſtates, a ſhort and naked Narrative of the ſeveral Obſtructions and Misfortunes that we have been all along forc'd to grapple with, in the proſecution of our Company's Deſigns, to the end that the great Council of the Nation, having a perfect View and full Knowledge of theſe Difficulties which we now Labour under, may be the better able to judge how to apply a Remedy:

The firſt attempt for ſtrengthning our Company's Intereſt and Stock was at *London*, where a Subſcription of 300000 *ſterl.* was procured in Nine days time, without ſo much as a publick Advertiſement, and many knowing Merchants were ſo far convinc'd of the many Advantages that might probably ariſe from ſuch a Conſtitution, that they ſignified their willingneſs to be concerned for Triple the Sum, if allowed: But not only did the Parliament of *England* by their Addreſs to His Majeſty of the 13th. of *December* 1695. and otherways, render that Subſcription ineffectual, but the Houſe of Commons did alſo appoint a Committee, *to examine what Methods were taken for obtaining the Act of Parliament, by which our ſaid Company is eſtabliſhed who were the Promoters and Adviſers thereof*; and did afterwards impeach the Nominees in the ſaid Act of Parliament; notwithſtanding the abſolute Independency of this Kingdom.

Yet after all this Diſcouragement, we went on with our Subſcriptions at home, and made our next Effort for ſtrengthning thereof beyond Sea, both in *Holland* and *Hamburgh*: In the firſt of which places many eminent Merchants declared their poſitive inclinations to be very conſiderably intereſted with us, and gave ſome ſignal Proofs thereof, till they were made to underſtand by Threatnings and other Inſinuations, that a Higher Power would make them at leaſt very uneaſy, if they perſiſted any further in their Reſolutions of being concerned with our Company,

And at *Hamburgh* where we had the moſt promiſing Hopes of foreign Aſſiſtance, the *Comercii* or Merchant Company, entred into Contract with our Company's Deputees, to joyn at leaſt 200000 *l. Sterl.* to our Company's Stock; but to our great Aſtoniſhment, His Majeſty of *Great Brittains* Miniſters there, did under pretence of ſpecial Warrant from the King, put a full ſtop thereto, by giving in *A Memorial to the Burgo-Maſters & Gentlemen-Councellors of that City wholly diſ-owning the Authority of the Acts of Parliament, and Letters Patent abovemention'd, & intimating that His Majeſty would regard their entring into Treaties with our Company as an Affront to his Royal Authority, and that he would not fail to reſent it, as having neither Credential Letters, nor being any otherways Authoriz'd by His Majrſty.*

Upon notice whereof, we did in all humble Duty Addreſs His Majeſty in *June* 1997, for Redreſs of that open and bold Encroachment, upon not only our, but alſo the Nations Rights, in its moſt fundamental Conſtitution, by endeavouring to ſubvert the Independency of its Parliamentary Laws, expreſly contrary to the Law of Nations: All which His Majeſty by his Royal Letter from *Flanders* in *July* 1697, *Promiſed to take into Conſideration, as ſoon as he would returu into* England, *and that in the mean time, His Majeſty would give Orders to his Miniſters at* Hamburgh, *not to obſtruct our Company in the proſecution of its Trade with the Inhabitants of that City.*

In the full Confidence of His Majeſty's Royal Promiſe, we thought our ſelves ſecure and took our Meaſures accordingly, till to our further Surprize, we found by ſeveral Inſtances, that His Majeſty's ſaid Miniſters were as wickedly bent againſt us as ever, and ſtill denying that they had got any ſuch Orders from His Majeſty : Whereupon the Directors of our Company, did, by their Letter of the 28 of *September* 1697, expoſtulate in the firſt place, with both the then Secretaries of State, about that further Diſ-appointment, but having ſtill no Redreſs therein, we did in moſt humble and dutiful Manner, by our ſecond Addreſs of the 22*d.* day of *December* 1697. lay the whole Matter again before His Majeſty ; And did likewiſe, at the ſame time, not only humbly Repreſent the Premiſſes to His Majeſty's moſt Honourable Privy-Council, together with the train of ill Conſequences that muſt necſſarly attend ſuch Treatment, if not prevented by an early Redreſs; but wrote alſo ſeparately to both the Secretaries of State, and ſuch other Noble Perſons of the Government, as happen'd to be then at *London*, To uſe their Joint Intereſt, for procuring Juſtice, in a Matter of ſuch Univerſal Concern to the Honour, Intereſt, and Independency of the whole Kingdom..

All the Anſwer we obtain'd, was by a Letter of the 17*th.* of *January* 1698, from both the Secretaries of State: *That the King ſaid, He had already given Orders to His Reſident at* Hamburgh *in that Matter, conform to his Royal Letter from* Flanders, *in* July 1697, *which was then communicated to the Company.*

By which Anſwer, together with what repeated Advices we had at the ſame time from *Hamburgh*, that the *Engliſh* Miniſters there, had ſtill poſitively diſown'd their having got any ſuch

Orders, we were put out of all Hopes of having any Redreſs, untill we ſhould have an Opportunity of laying the whole Matter before a Meeting of the Eſtates of Parliament.

But in the mean time we proceeded, with all the Strength we had (tho' extremely weak'ned by the Treatment above-narrated) to make the beſt Preparations we could (conſidering the Scarcity of theſe Years) for fitting out an Equipage of Ships, Men, Proviſions, and other Neceſſaries, for ſettling a Plantation in *America*, in the Terms of the Acts of Parliament, and Letters Patent above-mention'd: And its evident by the very Conſtitutions of the Colony, that they were calculated more for the general Advantage of the Nation and Poſterity, than for the particular and immediate Benefite of the Adventurers.

And the Parliament happening to meet the very next Day after our Ships had ſail'd, we did by our Humble Petition of the 22*d.* of *July* 1698, Repreſent to his Grace, His Majeſties then High Commiſſioner, and the Right Honourable Eſtates then aſſembled in Parliament, the Treatment which our Company met with at *London* & *Hamburgh* as aforeſaid, the great Prejudices which we had ſuſtain'd thereby, and the many further Inconveniencies and evil Conſequences that muſt neceſſarly have followed thereupon, if, upon any Account whatſoever, the Parliament ſhould happen to neglect the taking immediate Cognizance of ſuch Uſage.

And the Parliament having thereupon, by their Unanimous Addreſs of the 5*th.* of *Auguſt* 1698, to His Majeſty, thought fit to manifeſt *their own and the whole Nations Concern in that Matter, earneſt-*

ly entreating; and moſt aſſuredly expecting, That His Majeſty would in His Royal Wiſdom, take ſuch Meaſures, as might effectually vindicate the Undoubted Rights and Priviledges of the ſaid Company, and ſupport the Credit and intereſt thereof; And the Parliament likewiſe, by the ſame Addreſs, *recommending the Concerns of the ſaid Company to ſome ſpecial Marks of His Majeſties Royal Favour, as that Branch of the Trade of this Kingdom, in which they, and the Nation they repreſented, had a more peculiar Intereſt;* The Court of Directors of our Company were thereby encourag'd to renew their Application to His Majeſty, with relation to the Memorial given in by His Miniſters to the Senate of *Hamburgh*, (the ſame being ſpecially mention'd in the Parliaments Addreſs :) And in Conſideration of the Dammages ſuſtain'd by the Company, through Means of that Memorial, the Directors humbly Petition'd, That His Majeſty would be pleaſed, for their Encouragement at that time, as a Gracious Mark of His Royal Favour, to beſtow upon them the two ſmalleſt of the Frigots, then (and to this Hour) lying uſeleſs in *Bruntiſland* Harbour.

But our Company having no manner of Anſwer to either of theſe, and being aſſured by ſeveral Letters from *Hamburgh*, That both the *Engliſh* Miniſters there, had poſitively denyed their having received any ſuch Orders, as were long before promiſed, and declared to have been given, with Relation to that Memorial, the Court of Directors of our Company did, by their Letter of the 29*th* of *November* 1698, tranſmit Copies of the ſaid Letters to the Viſcount of *Seafield*, then ſole Secretary of State, and entreated his Lordſhip, to procure ſome ſpeedy and effectual Anſwer from His Majeſty to the Contents of both that Letter. and their former Petition.

The Secretaty, by his Letter of the 13*th.* of *December* 1698, returned fer Anſwet, *That he would take the firſt convenient Opportunity he could have, to repreſent that Matter to the King, but that he could not expect to have it for ſome time, becauſe His Majeſty was then very much imployed in the Affairs of his* Engliſh *Parliament.*

We thereupon waited a full Month in expectation of ſome further Anſwer, but getting none, our Court of Directors did,by a Letter of the 13*th* of *January* 1699, put the Secretary again in mind of our ſaid Petition of the preceeding *Auguſt*, and Letter of the 29*th* of *November.*

The Secretary by his Letter of the 7*th.* of *February* 1699, ſignified, *That he had preſented our Company's Petition to His Majeſty, and was commanded to let us know, that there being Accounts, that the Ships belonging to the Company were arriv'd upon the Coaſt of* America, *and the particular Deſign not being communicated to His Majeſty,He therefore delayed to give any Anſwer, until he ſhould receive certain Information of their Settlement.*

Tho' we could not but be ſurpriz'd to find all our former Addreſſes and Petitions, about Matters of ſuch weighty Concern, as are above narrated, Anſwered, after ſo long delay, only with a ſeeming Charge, for not having communicated to His Majeſty a thing that was never in the leaſt demanded of us, by either the King, Parliament, Privy Council, or Miniſters of *State*, we being limited to ſettle in the Terms of the Acts of Parliament, as we ſhould be Anſwerable: Yet upon the very firſt Advice we had of our Colony's

Settlement in *Caledonia*,we by our Letters of the 31*ſt*. of *March*, and 1*ſt*. of *April* 1699, gave a very full and dutiful Account thereof to His Majeſty,and to both the Secretaries of State, together with an Account of the *French* Deſigns thereabouts and of what Import our ſaid Settlement (if duly protected) might prove to the Intereſt and Security of all His Majeſties Dominions, and referred the ſame, together with the Contents of our former Petitions, to His Majeſties Royal Conſideration.

About this time it was, That His Majeſty was pleaſed to call the Preſident of the Seſſion, and the Advocat to Court, to the end (as we underſtood) that they, jointly with both the Secretaries of State, might in a Conference with ſeveral of the *Engliſh* Miniſters, ſatisfy His Majeſty, as to the Legality of our Company's Settlement: Which (by all that ever we could learn) was then (and otherways ſince that time) made clear beyond all manner of Diſpute.

But while in the mean time, we were pawning even our own particular Credits, for ſending the needful Supplies of Ships, Men, Proviſions, Arms, Ammunition, and other Neceſſaries, for ſecuring ſo valuable a Settlement to this Nation, we were aſtoniſhed to have Advice. That by Orders from *England* in *January* 1699, Proclamations had been emitted, in the Months of *April* and *May*, over all His Majeſties Plantations and Territories in *America*, ſtrictly Intercommuning our Colony, under very ſevere Penalties to be inflicted on the Contraveeners of theſe Proclamations, *in regard His Majeſty* (as theſe Proclamations narrate) *was unacquainted with the Intentions and Deſigns of the* Scots *ſettling at* Darien.

As we humbly conſidered theſe Proclamations to be ſuch, as were never before publiſhed in thoſe parts againſt any other People upon Earth, and of ſo Barbarous a Nature, as we thought, no Good Chriſtians would put in Execution, even againſt Infidels; So finding our ſelves unqueſtionably warranted by all Laws Humane and Divine, we perſiſted in our Endeavours for mantaining that Settlement, as hoping, that, through means thereof, this Nation might in time, have an Opportunity of raiſing it ſelf above the open Contempt, Reproach and Inſults of its unkind Neighbours, and of propagating the Goſpel amongſt the Ignorant good Natur'd *Indians* of thoſe parts.

But before our Recruits could poſſibly arrive at *Caledonia*, our Colony got certain Accounts of theſe Proclamations, and finding at the ſame time; the ſad effects thereof, by being denied any the leaſt help, either for Goods or Money, at *Jamaica*, from whence they had formerly Supplies; and that in the Proclamation iſſued by Sir *William Beſton*, Governour of that Iſland, he had poſitively declared, *That by their Settlement in* Darien, *they had actually broken the Peace entred into with His Majeſties Allies* (which they believed he durſt not venture to have done without a ſufficient Warrant) And finding themſelves thereby to be of conſequence declared Pirates, without any previous Summons or Hearing, contrary to the Cuſtoms and common Uſage of all Nations, even in rhe caſe of real Piracy, and founding a Belief, at the ſame time, on the Treatment which they knew our Company had formerly met with in *Europe*, without being Redreſs'd therein, that we were not in a Condition either to ſupply or protect them, they unhappily took the Alarm, under ſuch a General Conſternation, as deveſted them not only of all manner of patience to ſtruggle with any Inconveniencies they lay under at the time, but alſo of all manner of prudence, in taking any reaſonable Meaſures either for their own Security, or for our Company's intereſt. In the midſt of which Confuſion thoſe of them who had any bad Deſigns (as we could not well ſuppoſe ſuch a Number to be free of ſome) made uſe of theſe Proclamations as handles, by which to perpetrate their own ſeveral ends, and eaſily perſwaded all the reſt to leave the Settlement: Which they unadviſedly did the 20th of *June* laſt; And by that means not only have the Ships, Men and Goods, which were there at that time, been expoſed to the Arbitrary will of thoſe to whom the Execution of thoſe Proclamations was given in Charge; but even all our ſubſequent Meaſures brought into inevitable diſorder.

Upon Information of all which, we did, by our humble Petition to His Majeſty of the 19th. of *October* 1699, in all humility and earneſtneſs, beg, *That His Majeſty would in His Fatherly care for the good of our Company in particular, and of the Nation in General, be graciouſly pleaſed to give ſpecial Teſtimonies of his Majeſty's Royal Protection to our Company at that Juncture, and particularly to take off the Force and effect of thoſe Proclamations which have been ſo prejudicial to us, and to ſignify his Royal pleaſure to the Governours of his Plantations in* America, *that our Colony might be ſupplied in the common and ordinary way* *of* Commerce, *as thoſe of other Nations are; And that in the mean time His Majeſty would be graciouſly pleaſed to allow the Eſtates of Parliament to meet at the day appointed in* November *laſt, or as ſoon as conveniently may be, to the end that their Advice and Aſſiſtance might be had in ſuch a weighty and General Concern.*

We likewiſe by our humble Addreſs to His Majeſty's moſt Honourable Privy Council of the 20th of *October* 1699. Repreſented what we thought in duty and prudence neceſſary, with relation to the Contents of our ſaid Petition to his Majeſty, *Humbly referring the whole to their Lordſhips moſt ſerious conſideration, and praying that they would be pleaſed to do us all the good Offices with his Majeſty that they'd think moſt expedient for ſupporting our Company and Colonys Intereſt; and to give him an account of our Company's hard Circumſtances, and how much the Honour and Intereſt of the Nation ſtood concern'd therein.*

His Majeſty was graciouſly pleaſed, by His Royal Letter to us of the 2*d.* of *November* 1699, to declare that *He did very much regret the Loſs which the Kingdom and the Company had lately ſuſtain'd, That he would upon all occaſions protect and encourage the Trade of the Nation. That he would take care that His Subjects of this Kingdom ſhould have the ſame freedom of Trade and Commerce with his* Engliſh *Plantations that ever they had formerly, and that he would order the Parliament to meet, when he'd judge that the Good of the Nation would require it.*

But, in ſome ſhort time thereafter, while we were ſolacing our ſelves with the hopes of having his Majeſty's protection, not only as a Company eſtabliſhed by his Royal Authority, with the Advice and Conſent of Parliament; but alſo as Subjects, making all the Preparations we could to ſend the needful Supplies and Advices to thoſe who were laſt ſent for Repoſſeſſing the ſame Settlement: We were further aſtoniſhed to have Advices, that, by ſecond Orders from *England*, another Fleece of Proclamations had been emitted, over all the *Engliſh* Plantations in *America*, particularly on the 5*th*. of *September* laſt, in *Barbados*, &c. And that in complyance with the intent of theſe Proclamations, Our People that went along with the *Riſing-Sun*, were in *November* laſt, poſitively denied Wood and Water at *Monſerat*, a Priviledge never before denied to any other Nation: And by a Letter of the 29th of *January* laſt from the Commander of another of our Company's Ships, we are aſſured that they were poſitively denied Anchoring at St: *Chriſtophers* by the Governour, Colonel *Norton*, who out of his own Mouth declared to the Commander of our ſaid Ship, That he did it by new Orders which he had received about a Month before; altho, at the ſame time, two *Dutch* Ships were then Watering there; which we have ſince confirmed to us by Letters from Mr. *Daniel Mackay* one of the Councellours of our Colony, dated at *Port-Royal* in *Jamaica* the 13th. of *February* laſt: By which Letters, he informs us likewiſe, That when he waited upon the Governour of that Iſland, concerning our Company's Ship the *St. Andrew* lying in that Harbour, The Governour declared to him, That tho the ſaid Ship were fitted for going to Sea, he would not ſuffer her to go, without a ſpecial Order from *England* for that Effect.

We likewiſe humbly beg leave to inform Your Grace, and Right Honourable Eſtates, that amongſt

mongſt our Company's many other Loſſes and Miſ-fortunes, a Ship called the *Dolphin* loadned with a valuable Cargo, belonging to our Company, ſtruck unfortunately on a Rock, by which ſhe ſprung a Leak, and being forc'd to run a ſhore under the Walls of *Carthagena*, to eſcape Shipwrack, the ſaid Ship and Goods were by the *Spaniards* (His Majeſty's Allies) violently ſeized and diſpoſed of as Prize, and the Men alſo to the Number of 30 and a Boy, detain'd and made cloſe Priſoners, not only contrary to the Law of Nations, (we being then in profound Peace with them) but alſo contrary to the expreſs Terms of the 10. and 11. Articles of the Treaty concluded at *Madrid* the $\frac{8}{18}$ Day of *July* 1670, between the Crowns of *Great Brittain* and *Spain*.

By our Dutiful Addreſs of the *4th.* of *December* 1699, we humbly Petition'd His Majeſty, *That He would be graciouſly pleaſed to take thoſe Proceedings of the* Spaniards *into His Royal Conſideration, ſo as that ſpeedy and effectual Meaſures might be taken for the Redreſs of thoſe Dammages, and the freedom of theſe diſtreſſed Priſoners.*

In Anſwer to which, His Majeſty was graciouſly pleaſed, by his Royal Letter of the 10*th.* of *January* laſt, to ſignify, *That He was reſolved in the Terms of the Treaties to demand from the King of* Spain, *that theſe Priſoners ſhould be ſet at Liberty.*

Yet ſome of the moſt conſiderable of theſe Priſoners being tranſported above half a Year ago to Old *Spain*, We have frequent Advices from them by Letters, dated in *Cadiz*-Priſon, That they and all the Crew have been moſt Barbarouſly uſed; and that they themſelves are ſtill kept cloſe Priſoners, under very ſevere Treatment; Copies of which Letters we have ſome Months ago tranſmitted to the Secretaries of State.

By all which, it cannot but evidently appear to Your Grace and Right Honourable Eſtates, that tho' we have all along us'd our beſt Endeavours to wreſtle through theſe almoſt unſurmountable Difficulties, and exerted even our outmoſt efforts for retrieving our Loſſes, as much as poſſible by endeavouring to repoſſeſs and mantain ſo valuable a Settlement; And tho' we have certain Advices of its being Repoſſeſs'd by our People, and that we have taken all imaginable Meaſures for their preſent Supply: Yet we have too juſt ground to be fully perſwaded, That unleſs the King and High Court of Parliament, do ſpeedily Support, Protect, and Aſſiſt us, in the Proſecution of our Company's lawful Deſigns, that all our Paſt, Preſent, and Future Endeavours muſt, to the Nation's indelible Reproach and Diſhonour, as well as to its and the Company's unſpeakable and irreparable Loſs, prove unavoidably abortive.

May it therefore pleaſe Your Grace and Right Honourable Eſtates, to take the ſeveral Matters of Fact above-mentioned, into your moſt ſerious Conſideration; To Vindicate, Support, and Protect us in the Enjoyment of our lawful Priviledges, both as a Company, and as Subjects of this free and independent Kingdom, to take ſuch Meaſures, as You (in Your profound Wiſdom) may judge moſt Effectual, for repairing the many Dammages we have already

already ſuſtain'd, and for aſſiſting us in the further Proſecution of our Company's lawful Deſigns; but more eſpecially, for the maintenance of our juſt Right and Title to the Settlement of CALEDONIA, *and the Enjoyment of ſuch Advantages as (if duly Protected) may probably ariſe thereby:*

Sign'd at *Edinburgh* the 16*th.* Day of *May* 1700. In Name, Preſence, and by Warrant of the ſaid *Council-General* by,

MARISCHALL. *I. P. C. G,*

To His Grace His Majeſty's High Commiſſioner and the Right Honourable Eſtates of Parliament,

The Humble Addreſs and Petition of the Heretors of the Shire of Haddingtoun.

THat whereas, after a long and Expenſive War, we expected to have injoyed the bleſſings of a happily concluded Peace, by the Re-eſtabliſhing of our Forreign Trade, Encouragement of Home-Manufactures, imploying of the

Poor, in the improvement of our Native product, and the leſſening of our publick burdens:

But inſtead thereof, to the unſpeakable Loſs & almoſt Ruin of the Nation, we find our Trade abroad ſenſibly decayed, and our Coin carried out, by the Importation of Commodities from places where ours are prohibited, our Woollen and other Manufactories at home, by the ſame means and the Remiſneſs of Magiſtrates, in puting the Laws in due Execution, receive not that Encouragement which the Intereſt of the Countrey requires; whereby our Poor are neither mantain'd nor imploy'd, as they otherways might be, and more eſpecially our Company Trading to *Africa* and the *Indies*, meets with ſo much oppoſition from abroad, and gets ſo little ſupport at home, that after ſo great a Loſs of Men and Expenſe of Treaſure, their Sttlement in *Caledonia* may now too probably, a ſecond time, fall under the ſame unlucky Circumſtances as at firſt if not prevented.

And yet after all theſe hardſhips that the Nation groans under, numerous Forces are ſtill kept on foot, which occaſions now in time of Peace, heavy and unneceſſary Taxes, while our much wealthier Neighbours are Disbanding theirs.

All which Misfortunes and other Calamities, which have of late befallen us, we cannot but look upon as the Effects of the diſpleaſure of Almighty GOD for the Immoralities that every where abound amongſt all Ranks and Degrees of Men, to the Diſhonour of GOD and our Holy Religion, the debauching the Spirits, and corrupting the manners of the People.

May it therefore pleaſe your Grace, and the Right Honourable Eſtates of Parliament, to take ſome effectual Courſe for curbing of Vice, and putting in Execution the many laudable Laws for mantaining and imploying the Poor, that they may be uſeful and not burdenſome to the Kingdom; and for the Encouraging our Manufactories at home, and carrying on our Trade abroad with Advantage, to lay on ſuch Impoſitions on the Branches of our Import, as may overballance our Export, and particularly that of *France*; and to aſſert the *Indian* and *African* Company's Right to the Colony of *Caledonia*, which has been & ſtill unjuſtly is called in queſtion, and to give ſuch ſupport to it as may Encourage the Adventurers to go on with an undertaking which, if vigorouſly purſued, may tend ſo much in the future to the Wealth, Honour and intereſt of the Nation, and to relieve our Countrey of a great Number of Forces, every way ſo uneaſy to the People, and in lieu thereof to fall upon ſuch other Methods for ſecurity of the Peace and ſupport of the Government, as may be more for the Intereſt of the Kingdom, and more conſiſtent with the Liberty of the Subject.

Memorandum, There were likewiſe at the ſame time, ſeveral other Addreſſes and Petitions, both from Shires & Burrows, preſented & read in Parliament, needleſs to take up roome here as being much after the ſame ſtrain with that of the Heretors of the Shire of *Haddingtoun*, complaining of many general and particular Grievances, and more eſpecially of thoſe relating to the *Indian* and *African* Company, and its Colony of *Caledonia*; Praying for Redreſs thereof, and that the Parliament would be pleaſed to Vindicate and Aſſert its juſt Rights and Priviledges, *&c.* After reading of all which, a Motion being made and preſs'd that the Parliament ſhould make a Reſolve in rhe following Words, *viz. Reſolved, That our Colony of* Caledonia *in* Darien *is a Legal and Rightful Settlement, in the Terms of the Act of Parliament* 1695, *and that the Parliament will mantain and ſupport the ſame.* His Grace His Majeſty's High Commiſſioner was pleaſed immediatly to Adjourn the Parliament for three days, and at their next Meeting, without ſo much as reading the Minutes of the former diet, Adjourn'd it further for full Twenty Days. Whereupon the Plurality of the Members of Parliament, then preſent, met that very evening, and ſign'd the following Addreſs.

May it pleaſe your Majeſty,

WE Your Majeſty's moſt Loyal and Dutiful Subjects, the Subſcribing Noblemen, Barons, and Burgeſſes of this Your Antient Kingdom of SCOTLAND, Members of the ſame Parliament which happily Settled Your Majeſty's Government over Us, and has ever ſince given continued Proofs of Zeal and Affection to Your Majeſty's Service in the ſeveral Seſſions thereof: Do humbly Repreſent to Your Majeſty, that having according to your Majeſty's Royal al Appointment, met together in Parliament, with full Reſolution to have proceeded in the like good Intentions, for the Honour and Intereſt of your Majeſty and People.

It is to Our unſpeakable Grief and Diſappointment, that not only there has been no Return given to the Unanimous Addreſs of the laſt Seſſion of Parliament, Expreſſing the whole Nation's Concern in the *INDIAN* and *AFRICAN* Company: But alſo after a Motion made in this Seſſion of Parliament for a Reſolve, *That Our Colony of* CALEDONIA in DARIEN, *is a Legal and Rightful Settlement, in the Terms of the Act of Parliament* 1695. *And that the Parliament would Mantain and Support the ſame.* Members beginning to Reaſon thereupon, were interrupted by an Adjournment,which We Humbly Conceive is not agreeable to the 40 *Act* of the 11*th*, *Parliament* of *King James* the 6. Where it is promitted, *That nothing ſhall be done or Commanded, which might Directly or Indireſtly Prejudge the Liberty of free Voting, and Reaſoning of the Eſtates of Parliament, or any of them in all time coming.*

And thereafter, by a Subſequent Adjournment, from the Thirtieth day of *May* inſtant, to the Twentieth day of *June* next, the Parliament was not permitted to come to any Reſolution, in the preſſing Concerns of the Nation ; which we cannot think conſiſtent with that Article of Our Claim of Right. Whereby it is Declared. *That for the Redreſs of all Grievances, and for the Amending, Strengthning, and Preſerving of the Laws, Parliaments ought to be frequently called and allowed to*

Sit, and the Freedom of Speech and Debate ſecured to the Members.

We do therefore in all Humility and Earneſtneſs, Intreat, That Your Majeſty will be graciouſly pleaſed to allow your Parliament to Meet at the Day to which it is now Adjourned; and to ſit as long as may be Neceſſary, for Redreſſing the Grievances of the Nation, Aſſerting its juſt Rights and Priviledges, as well at Home as Abroad, in its Colony of CALEDONIA, and for Enacting ſuch Laws as may be for the Advancement and Security of Religion, the Honour of your Majeſty, and the true Intereſt of this Nation. We are

May it pleaſe your Majeſty,
Your Majeſty's moſt Dutiful, moſt Loyal and moſt Obedient Subjects and Servants.

This Addreſs was preſented to His Majeſty at *Kenſington* the 11*th.* day of *June* 1700. By the Right Honourable the Lord *Roſs* for the Subſcribing Noblemen, *James Pringle* of *Torwoodlie* and *William Bennet* younger of *Grubbet* for the Barons, and *Patrick Murray* of *Dollory* for the Burgeſſes, Commiſſioners appointed for that end: To whom His Majeſty, upon hearing the ſame read, was graciouſly pleaſed to ſay, *That He would conſider of it.* And, at a ſecond Audience, the Lord *Roſs*, in Name of the other Commiſſioners, Addreſing the King thus.

May it pleaſe your Majeſty,

" We are come here by Your Appointment to
" receive your Anſwer to the Addreſs which we
" preſented from the Loyal Members of your
" Parliament of *Scotland.*

His Majeſty was Graciouſly pleaſed to give the following Anſwer.

Gentlemen,

I *Can give no Anſwer now to the Petition which you preſented, but you ſhall know my intentions in* Scotland.

Theſe Parliamentary Addreſſers finding that the Parliament was yet further Adjourned by Proclamation, and not knowing, it ſeems, how ſoon it might be allowed to Sit, They framed the draught of a Second National Addreſs to be Sign'd by the ſeveral Shires and Burrows throughout the Kingdom ; but while the ſame was carried on, His Majeſty was graciouſly pleaſed to ſignify His mind in a *Declaration,* by way of Letter, directed to His Grace *James* Duke of *Queenſberry* His Majeſties High Commiſſioner , and the Privy Council of *Scotland* : Which Letter was publiſhed after the manner of Proclamations ; and is as followeth :

William R.

RIght Truſty and Intirely Beloved Couſin and Counſellor, Right Truſty and Right well Beloved Couſin & Counſellor,Right Truſty and well Beloved Couſins and Counſellors,Right Truſty and well Beloved Counſellors, and Truſty and well Beloved Counſellors, We Greet you well. We heartily wiſh that the laſt Meeting of Parliament had proceeded,ſo as that the Kingdom might have been made partakers of theſe Advantages for which Our Commiſſioner was ſo fully Inſtructed : If it had been poſſible for Us to have agreed to the *Reſolve* offered to Aſſert the Right of the *African Company's* Colony in *America*, tho that Method had appeared to Us more unneceſſary, yet we had from the beginning readily done it, at the earneſt Deſire of Our Miniſters, and for Our Peoples Satisfaction, all other Conſiderations ſet apart. But now that Things are much changed, (wherein We are truly Sorry for the Nation's Loſs) And We being moſt willing to grant what may be needfull for the Relief and Eaſe of the Kingdom, and the Advancement of its Welfare in all its Concerns; We have thought fit to Declare this Our good Mind to be made known to all Our loving Subjects. And for the Company's Concerns,We Aſſure you,that we will be ſo ready to concurr with Our Parliament in every thing that can be reaſonably expected of Us, for Aiding and Supporting their Intereſts, and Repairing their Loſſes, that Our good Subjects ſhall have juſt grounds to be ſenſible of our heartie Inclinations to advance the Wealth and Proſperity of that our Ancient Kingdom. And as for Captain *Pinkerton* and the other Priſoners in *Spain*, We have already, and We hope Effectually Interpoſed for their Liberation. In the next place, As We did fully

Inſtruct our Commiſsioner, So we are ſtill Reſolved, to paſs all ſuch Laws as ſhall be offered for the better Eſtabliſhing the true Proteſtant Religion and the Presbyterian Government of the Church which you at preſent Enjoy ; For the more effectual preventing the growth of Popery juſtly feared, for the Repreſsing of Vice and Immorality, for the Preſerving and Securing the Liberty of Mens *Perſons*, for the Encouraging and Advancement of Trade and Manfactories, and generally to give Our Aſſent to ſuch other Laws as ſhall be brought in for further clearing and ſecuring Mens civil Rights and Properties, promoting the Adminiſtration of Juſtice, and ſetling the Peace and Quiet of the Kingdom, demanding nothing on our part, ſave what ſhall be neceſſary to mantain that our antient Kingdom in ſo happy a *Settlement* againſt our & their Enemies. And this Declaration, We are confident will be ſatisſying to all good Men, who will certainly be carefull both of their own *Preſervation*, and of the Intereſt and Honour of the Government, and not to ſuffer themſelves to be Miſled, nor to give any Advantage to Enemies and ill deſigning Perſons, ready to catch hold of every Opportunity, as their Practices do too manifeſtly witneſs.

Our neceſſary Abſence hath occaſioned the late Adjournments, but as ſoon as God ſhall bring Us back, We are firmly Reſolved Our Parliament ſhall Meet, where We do again Aſſure all Our good Subjects, nothing ſhall be Wanting on Our part, that may contribute to their Welfare and Happineſs, And this Our Reſolution and Declaration, We Allow you to Publiſh for the Satiſfaction

faction of all concerned. So We bid you heartily Farewell. *Given at Our Court at* Loo *,the 26th. day of* July 1700. *And of Our Reign the 12th year.*

By His Majeſties Command

RO. PRINGLE

Here follows the laſt National *Addreſs formerly mention'd.*

May it pleaſe your Majeſty,

WE Noblemen, Barons, Gentlemen, Burgeſſes, and other Subſcribers, your Majeſty's moſt Dutiful Subjects of this your Antient Kingdom of *Scotland*, having formerly from an unfeigned Zeal to your Majeſty's Service, and to the Good and Welfare of our Countrey Petition'd your Majeſty for a Meeting of the Eſtates in Parliament, in order to Support, and Aſſiſt our Company Trading to *Africa* and the *Indies*, which the Parliament had, by their Unanimous Addreſs to your Majeſty of the 5th. of *Auguſt* 1698, declared to be their own and the whole Nation's peculiar Concern; And your Majeſty having been graciouſly pleaſed to allow the Parliament to Meet on the 21*th.* of *May* laſt, whereby all your good Subjects could not but conceive ſuitable hopes of its happy iſſue, for the Honour and Intereſt of your Majeſty and People, Do now beg leave to expreſs our deep Concern & Sorrow for the unexpected Adjournment thereof, without being permitted to do any thing towards the wiſh'd for end of its Meeting; And do in all humble manner concurr with the dutifull Addreſs lately preſented to your Majeſty, from rhe Plurality of the Members of Parliament, Repreſenting the Inconveniencies and prejudices ariſing to the preſſing Concerns of the Nation, from that Adjournment, and to the Rights and Liberties of Parliament, from the manner of it: And it is our Unexpreſſible Regret, that your Majeſty does ſeem to have been prevail'd upon by the Miſ-repreſentations of evil Councellours to iſſue out Proclamations, further Adjourning the Parliament, from time to time, whilſt not only did our ſaid Company ſtand extremely in need of the Countenance Support and Protection promis'd to it by your Majeſty in Parliament, and more eſpecially upon the Misfortunes that have of late befallen it by the ſucceſs of Enemies againſt its Colony of *Caledonia*, but whilſt alſo even the Nation it ſelf did, and ſtill does, remain under the preſſure of ſuch Grievances as can only be Redreſs'd in Parliament.

And to the end that your Majeſty may have a juſt view thereof, we humbly beg leave to repreſent to your Majeſty how indiſpenſibly neceſſary it is, THAT the Proteſtant Religion be ſecured againſt the growth of Popery, Immorality and Profaneneſs; THAT the Freedom and Independency of this Antient Kingdom, and the Nation's Right and Title to *Caledonia*, as holding of your Majeſty's Crown of *Scotland*, be Aſſerted and Supported; THAT the good inclinations of your Majeſty and Succeſſors Kings of *Scotland* be preſerved from Foreign Influence, as well as from the Miſ-repreſentations and Pernicious Counſels of Unnatural Countrey-Men; THAT the frequency and ſitting of Parliaments be ſecured and aſcertain'd, purſuant to the Claim of Right; THAT dangerous Influences upon the freedom of Parliaments, either by Gratuities, Penſions, or Farms of any branch of the Revenue and the diſpoſing of any part of the Revenue or annexed Property of the Crown, otherways than acccording to Law, for the neceſſary ſupport of the Government, be prevented; THAT the publick Credit be reſtored and an enquiry made into the Application of the Funds laid on, and appropriated by Parliament, for ſupport of the Government and payment of the Army; THAT the Security of the Nation, and Government, be ſettled in a duly-regulated National Force, in ſtead of a ſtanding Army, ſo burdenſome to the Countrey, and dangerous to its Liberties; THAT the manner of applying the Security, which we have by our Claim of Right, for the Perſonal freedom of the Subject, againſt long and Arbitrary Impriſonment, as well as againſt Purſutes upon old and obſolete Laws, be ſpecially declared; THAT the Trade of this Nation be Encouraged & Advanced, by duly regulating its Export and Import, by diſcharging prejudicial Branches thereof, by fixing the value of our cur-Money, by encouraging Manufactories, by imploying the Poor, and more eſpecially by Countenancing and Aſſiſting our ſaid Company, in the Proſecution of its lawful Undertakings; And THAT all ſuch Articles of Grievances preſented to your Majeſty by the Eſtates of this Kingdomin the Year 1689 as have not yet been Redreſs'd, to-

getehr

gether with ſuch other Grievances as the Parliament ſhall, at the Meeting thereof, find the Nation aggrieved with, be Redreſs'd in Parliament.

And your Majeſty having by your Royal Letter, of the 24 of *May* 1689, been graciouſly pleaſed to declare, and give full aſſurance to our Repreſentatives in that meeting of the Eſtates, which ſettled the Crown and Royal Dignity of this Realm on your Majeſty, *That we ſhould always find your Majeſty ready to Protect us, and to Aſſiſt the Eſtates in making ſuch Laws, as might ſecure our Religion, Liberties and Properties, and prevent or Redreſs whatſoever might be juſtly grievous to us; That your Majeſty would never believe that the true intereſt of your People and the Crown could be oppoſite; and that your Majeſty would always account it your greateſt Prerogative to aſent to ſuch Laws as might promote Truth, Peace, and Wealth in Your Kingdom.* We do therefore reckon it our duty, humbly to deſire and aſſuredly expect, that your Majeſty will be graciouſly pleaſed to ſatisfy the longing deſires, and earneſt Expectations of your People, by allowing your Parliament to meet, as ſoon as poſſible; and when mett, to ſit till they fully deliberate upon, and come to ſolid Reſolutions in the great and weighty Concerns of the Nation, and grant ſuch Inſtructions to your Commiſſioner, as may impower him to paſs ſuch Acts, as the great Council of the Nation ſhall think moſt conducive to the true Honour of your Majeſty and Government, the welfare of this Realm, both as to its Religious and Civil Intereſt, and to the full quieting the Minds of all your Majeſty's good People.

This Addreſs was preſented to His Majeſty at *Hampton-Court.* the *16th.* day of *November* 1700: By the Right Honourable the Lord *Yeſter*, Sir *John Pringle* of *Stitchell*, and Sir *Peter Wedderburn* of *Gosford* Baronets, Commiſſioners appointed for that end. And upon preſenting thereof, the Lord *Yeſter*, in Name of the reſt, Addreſs'd the King thus,

Sir,

" We are come here to preſent an Addreſs to " your Majeſty Sign'd by a great Number of " your Majeſty's Loyal Subjects in *Scotland*, " who have no other deſign in it, but your Ma- " jeſty's true Honour, and the welfare of their " Native Countrey ; which we deſire your Ma- " jeſty would be pleaſed to hear read.

His Majeſty, after having heard the Addreſs read, was Graciouſly pleaſed to give the following Anſwer.

Gentlemen,

I Can not take further notice of this Addreſs, ſeing the Parliament is now met, and I have made a Declaration of my Mind for the good of my People, wherewith I hope all my faithfull Subjects will be ſatiſfied.

Here I muſt beg pardon, for having omitted the late Addreſs of the Houſe of Lords in *England*, concerning the Endeavours of the *Scots* for having ſettled a Colony at Darien, and His Majeſty's Anſwer thereunto; both which ought, according

cording to order of time, to have been placed at Page 105 but rather than rob the Reader of having the benefit thereof, it was thought fit to inſert them here, and they are as followeth,

The Humble Addreſs of the Lords, &c. preſented to His Majeſty the 12th. *day of* February 1700.

" WE the Lords Spiritual and Temporal
" in Parliament Aſſembled, being ac-
" cording to our duty ſolicitous for the preſerva-
" tion & Encreaſe of the Trade of this Kingdom,
" on which the Support of your Majeſties Great-
" neſs and Honour ſo much depends, as well as
" the Security and Defence of your People, have
" been very apprehenſive, that the ſteps lately
" made towards a Settlement of your Subjects of
" the Kingdom of *Scotland* at *Darien*, may tend
" to the great prejudice of this Nation, and
" poſſibly to the diſturbance of that Peace and
" good Correſpondence with the Crown
" of *Spain*, which we conceive is very Advanta-
" gious to us all: We have therefore taken the
" ſame into our ſerious conſideration, as a matter
" of the greateſt Importance, and proper to be
" laid before your Majeſty, as the common Fa-
" ther of both Countries. And as we are truly
" ſenſible of great Loſſes our Neighbour King-
" dom hath ſuſtained, both by Men and Treaſure,
" in their Expeditions to that place, which we
" very heartily lament, ſo we ſhould not en-
" deavour by any Interpoſition of Ours, to de-

“ feat the Hopes they may ſtill entertain of recovering theſe Loſſes by their further engaging in that deſign, but that we judge ſuch a Proſecution on their parts muſt end not only in far greater Diſappointments to themſelves, but at the ſame time prove very inconvenient to the Trade, and quiet of this Kingdom.

“ On this occaſion we humbly preſume to put your Majeſty in mind of the Addreſs of both Houſes of Parliament, preſented to your Majeſty on the 17*th.* of *December* 1695. In the cloſe of which Addreſs your Majeſty will ſee the Unanimous Senſe of this Kingdom in relation to any Settlement the SCOTS might make in the *Weſt-Indies*, by vertue of an Act of Parliament paſt about that time in the Kingdom of *Scotland*, which was the occaſion of the Addreſs.

“ And we humbly repreſent to your Majeſty, that having received Information of ſome Orders your *M*ajeſty had ſent to the Governours of the Plantations on this Subject, the Houſe did, on the 18*th.* of *January* laſt, come this Reſolution, That your Majeſty's pleaſure ſignified to the Governours of the Plantations, in Relation to the *Scots* Settlement at DARIE*N*, was agreeable to the Addreſs of both Houſes of Parliament, preſented to your Majeſty on the 17*th.* of December 1695.

“ And on the 18*th.* of this inſtant *February*, this Houſe came to this further Reſolution, *That the Settlement of the* Scots *Colony at* DARIEN *is inconſiſtent with the good of the Plantation Trade of this Kingdom.*

“ All which we humbly hope your Majeſty
“ will take into your Royal Conſideration, and
“ we are confident that your Majeſty cannot be
“ thought too partial to the Addreſs of this Houſe,
“ if your Majeſty ſhall in the firſt place conſider
“ the Advantage and Good of the Trade of this
“ Kingdom, by the Preſervation and Improve-
“ ment of which, both theſe Kingdoms, and all
“ your other Dominions, muſt on all occaſions
“ principally be defended.

It is remarkable that this Addreſs was carried only by Four or Five Votes, and that the Houſe of Commons abſolutely refuſed to concur with it, and that about Sixteen Peers entred their Proteſts againſt it.

His Majeſties moſt Gracious Anſwer to the Addreſs was to this effect, Viz.

“ HIS Majeſty having received a very duti-
“ full Addreſs from the Houſe of Peers, in
“ relation to the Endeavours lately uſed by ſome
“ of His Majeſties Subjects of the Kingdom of
“ *Scotland* towards making a Settlement at DA-
“ RIEN, in which they humbly repreſent to
“ him their Opinion, *That ſuch a Settlement is*
“ *inconſiſtent with the good of the Plantation-*
“ *Trade of this Kingdom*: Is pleaſed to let the
“ Houſe know, That he will always have a very
“ great regard to their Opinion; And to aſſure
“ them, that he will never be wanting, by all
“ proper means, to promote the Advantage and
“ Good of the Trade of *England*. At the ſame
“ time

“ time His Majeſty is pleaſed to declare, that he cannot but have a great Concern and Tenderneſs for his Kingdom of *Scotland*; and a deſire to advance their Well-fare and Proſperity, & is very ſenſibly touched with the loſs His Subjects of that Kingdom have ſuſtained by their late unhappy Expeditions, in order to a Settlement at DARIEN. His Majeſty does apprehend that Difficulties may too often ariſe, with reſpect to the different Intereſt of Trade, between his two Kingdoms, unleſs ſome way be found out to unite them more nearly and compleatly: And therefore His Majeſty takes this opportunity of putting the Houſe of Peers in mind of what he recommended to his Parliament, ſoon after his Acceſſion to the Throne, That they would conſider of an Union between the two Kingdoms. His Majeſty is of opinion, That nothing would more contribute to the ſecurity and happineſs of both Kingdoms; and is inclined to hope, that after they have lived near 100 years under the ſame Head, ſome happy Expediment may be found for making them one people, in caſe a Treaty were ſet on Foot for that purpoſe; And therefore he does very earneſtly recommend this Matter to the Conſideration of the Houſe.

It is likeways remarkable that when the Houſe of Lords fram'd and paſt a Bill of Union purſuant to His Majeſty's ſaid Anſwer, The Houſe of Commons rejected the ſame from Motives which I ſhall not preſume to mention, the ſame being already very well known to all thoſe who know any thing of that Matter.

To His Grace, His Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The humble Repreſentation and Petition of the Council-General of the Company of *Scotland* Trading to *Africa* and the *Indies.*

May it pleaſe your Grace & Right Honourable Eſtates,

WHEREAS, By our former Petition, of the 16*th* of *May* laſt, we laid a Repreſentation of the then Circumſtances of our Company's Affairs, before your Grace and Right Honourable Eſtates: Which being once read, and nothing done thereupon, we now humbly intreat, that the ſame, ſtill lying in the Clerks Hands, may, at this time, be again read & conſidered in Parliament: And do further Repreſent, That, ſince that time, we have the Melancholly Aſſurance of what we then feared from the conſtant Courſe of our Diſcouragements, that the Governour of *Carthagena*, for the King of *Spain*, His Majeſty's Ally, has, from the Unneighbourly Inſtigation of thoſe, from whom we ought more reaſonably to have expected Aſſiſtance, been encouraged to make an Attempt for diſpoſſeſſing our Colony of *Caledonia*; And in order thereunto, Blockaded them up by Sea, & attacked them by Land, in the time of profound peace, and that ſome of our ſaid Colony being too eaſily frighten'd, by their Apprehenſions of thoſe evil Conſequences that they thought muſt neceſſarly have attended the many Diſcouragements, and want of Protection which we labour'd under all along, have unwarrantably taken upon them the Power to ſurrender our Company's ſaid Settlement to the *Spaniards*, to the unſpeakable Loſs and great Diſhonour of the Nation, and that the *Weſt-India* Proclamations, mention'd in our former Petition, being ſtill as much in force and rigorouſly executed, as ever, againſt us, we could not all this time, nor cannot as yet, expect the Liberty even of carrying off our Ships, that are lying periſhing at *Port-Royal* in *Jamaica*, and *Amboy-Perth* in *Eaſt-Jerſey* without your Interpoſition on our Company's behalf, for procuring to us Warrants from His Majeſty, directed to the reſpective Governours of thoſe Parts for that effect; eſpecially ſince the Governour of *Jamaica* has, at ſeveral times, and to ſeveral Perſons, declared, That he will not part with our Company's Ship the *Saint-Andrew*, without a ſpecial warrant from *England*, and that all our Solicitations to the Secretaries of State for that end, have hitherto proved ineffectual. And we cannot but likewiſe Repreſent to your Grace and Right Honourable Eſtates, how that the want of due Protection to our Company all along, and the continued Tract of Encroachments upon its Priviledges Abroad, without any Redreſs therein, has encouraged ſome Perſons to break in upon the Priviledges of our Company even at Home.

MAY it therefore Pleaſe Your Grace and Right Honourable Eſtates, to take the Contents of this, and our former Petition above-mention'd into your moſt ſerious Conſideration, to take ſuch effectual Meaſures, as in your Profound Wiſdom, you ſhall think fit, for Aſſerting and Vindicating our Company's Rights, both abroad and at home, for enabling it to proſecute its lawful Undertakings, for procuring Reparation from the *Spaniards* and others, for the Dammages ſuſtained, and for preventing the like Encroachments for the future.

Signed at Edinburgh *the 28th day of* October 1700, *in Name, Preſence, and by Warrant of the ſaid Council-General, By*

JOHN SCHAW. I. P. C. G.

FINIS.

Non ſolum ferit uncis cornibus hoſtem,
Verum etiam inſtanti læſa repugnat ovis. Prop.

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A CATALOGUE of the and Pamphlets that have been hitherto Publiſhed, concerning the *Indian* and *African* Company of *Scotland*, ſet down according to Order of time, for the Information of the Curious.

1. A *Letter from a Member of the* Parliament *of* Scotland *to his Friend at* London, *ſhewing the reaſonableneſs of that Act by which the Company is eſtabliſhed.* Printed 1695:

2. *Some ſeaſonable and modeſt Thoughts,* &c. *humbly offered* to R. H. *a Member of the Houſe of Commons of* England. 1696.

3. *A Letter from a Gentleman in the Countrey to his Friend at* Edinburgh. 1696.

4. *A Letter from a Merchant in* Amſterdam *to his Friend at* Hamburgh *concerning the Deſigns of the* Scots Indian *Company,* 1697.

5. *Some Obſervations on it, in a Letter from* Hamburgh *by way of Anſwer to it.* 1697.

6. *A Letter from the Commiſſion of the General Aſſembly of the Church of* Scotland, *to the Council and Colony of* Caledonia. 1699.

7. *A Defence of the* Scots *Settlement at* Darien, &c. 1699.

8. *A ſhort and impartial view of the manner and occaſion of the* Scots *Colony's coming away from* Darien. 1699.

9. *A Defence of the* Scots *Abdicating* Darien, &c. *Written by* Heroſtratus Junior, *alias* Harris. 1700.

10. *A juſt and modeſt Vindication of the* Scots *deſign for the having eſtabliſhed a Coloney at* Darien, &c *with a Prefatory confutation of* Harris.

11. *An Enquiry into the Cauſes of the Miſcarriage of the* Scots *Colony at* Darien, *containing a full Anſwer to* Harris's *Libel.* 1700.

12. *A ſhort Vindication of the Defence of the* Scots *Abdicating* Darien, *&c.* 1700.

13. Scotland's *preſent Duty: Or a Call to the Nobility, Gentry, Miniſtry,* &c. 1700.

14. Scotland's *Grievances with relation to* Darien, *&c. humbly offered to the conſideration of the Parliament.* 1700.

15. *A full and exact* Collection *of all the conſiderable Addreſſes, Memorials,* Petitions, *Anſwers, Proclamations, Declarations, Letters and other publick* Papers, *relating to the Company of* Scotland *Trading to* Africa *and the* Indies, *ſince the paſſing of the Act of* Parliament, *by which it was eſtabliſhed in* June 1695, *till* November 1700

☞ *Nota*, The *4th*. *9th*. and *12th*. Pamphlets of this Catalogue are written againſt the Company, and all the reſt fot it, except the laſt, which conſiſts of a Collection of ſeveral publick Papers of different kinds upon the ſame Subject, promiſcuouſly gathered by an impartial hand.

Contraria juxta ſe poſita clarius eluceſcunt.

Bro. G. E. Church has larger copy -

D
Scott
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